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इस भाग में मिला पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय की छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

वित्त मंत्रालय  
(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 22 दिसम्बर, 2000

का आ 1.—सर्वसाधारण की जानकारी के लिए यह  
अधिसूचित किया जाता है कि केन्द्र सरकार आयकर निरमावली,  
1962 के नियम 23 के साथ पठित आयकर अधिनियम,  
1961 की धारा 10(23छ) के प्रयोजनार्थ कर निर्धारण  
वर्ष 2001-2002, 2002-2003 और 2003-2004  
के लिए नीचे पैरा 3 में उल्लिखित उद्यमों/औद्योगिक  
उपक्रमों को अनुमोदित करती है।

2 यह अनुमोदन इस शर्त के अधीन है कि —

- (i) उद्यम/औद्योगिक उपक्रम आयकर निरमावली  
1962, के नियम 23 के साथ पठित आयकर  
अधिनियम, 1961 की धारा 10 (23छ)

के उपबन्धों के अनुरूप होगा और उक्त  
अनुपालन करेगा,

- (ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी  
यदि उद्यम/औद्योगिक उपक्रम —

(क) आवश्यकतात्मक सुविधाओं की जांच नहीं करता है, या

(ख) खाना बर्तनों का नग्न रखवा नहीं करता है तथा  
आयकर निरमावली, 1962 के नियम 23 के उप-नियम (7) द्वारा  
दिया-अशुद्धि किसी लेखाकार द्वारा ऐसे  
खातों की लेखा परीक्षा नहीं करता है,

(ग) आयकर निरमावली, 1962 के नियम  
23 के उपनियम (7) द्वारा यथा आवश्यक  
लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3 अनुमोदित उद्यम/औद्योगिक उपक्रम है —

Hills, Hyderabad 500034 (F No 205/59/2000-ITA-II).

(i) मैसर्स एनर्जी डेवलपमेंट्स प्रा. लि. 21-डी, प्रथम  
काम पथ में तल जयलक्ष्मीपुर, भूखण्ड-570012  
द्वारा चिवा हाइड्रो, कर्नाटक में 9 मेगावाट  
हरांगी बिर्ता पम्पडिल इलेक्ट्रिक प्रोजेक्ट  
(फा नं 205/68/2000-आईटीए-II)

[Notification No 11574/205/68/2000-ITA-II and  
205/59/2000-ITA-II]

KAMLESH C VARSHNEY Under Secy

तः दिनांक 22 दिसम्बर, 2000

(ii) मैसर्स एन सी एन पावर लिमिटेड 8-2-293/  
174/13 बा. न. रेड्डी कॉलोनी रा. नं 14  
प्रजारा हिल्स इंदौराबाद 500034 द्वारा रात  
गर्म्पावर पेंडुर्ती मंगल, जिन्ना विशाखापट्टनम  
आन्ध्रप्रदेश में 37.8 मेगावाट बिजलीघर ।  
(फा नं 203/59/2000 आईटीए-II)

काया 2—संस्थापना की जानकारी के लिए यह  
अधिमूखित किया जाता है कि केन्द्र सरकार द्वारा नीचे  
गौर (3) में उल्लिखित उद्यम/औद्योगिक उपक्रमों में  
प्राथम्यक नियमावली, 1962 के नियम 2(ड) के साथ  
पठित आयकर अधिनियम, 1961 की धारा 10(23-छ)  
के अधीन, वर्ष 2000-2001, 2001-  
2002 और 2002-2003 के लिए अनुमोदित किया  
गया है ।

[अधिमूखित संख्या 11574/205/68/2000-आईटीए-II]

तः 205/59/2000 नं. आईटीए-II]

कमलेश सी. वार्शनी अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 22nd December, 2000

SO 1—It is notified for general information that enterprises/industrial undertakings, listed at para (3) below have been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004

2 The approval is subject to the condition that —

- the enterprise/industrial undertaking will conform to and company with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962,
- the Central Government shall withdraw this approval if the enterprise/industrial undertaking —

- ceases to carry on infrastructure facility or
- fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962, or
- fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962

3 The enterprises/industrial undertakings approved are—

- 9 MW Harangi Mini Hydel Electric Project at Dist Kodagu, Karnataka by M/s Energy Development Company Ltd 21-D, 1st Cross, 1st Floor, Jayalakshimpunam, Mysore-570012 (F No 205/68-2000-ITA-II).

- 37.8 MW Power Plant at Gurrampalem Village Pendurty Mangal, Vishakhapatnam Dist., Andhra Pradesh by M/s. LVS Power Limited, 8-2 293/174/13, B. N. Reddy Colony, Road No 14, Banjara

2 उक्त अनुमोदित उद्यमों में पर दिया गया है कि —

- उद्यम/औद्योगिक उपक्रम आयकर नियमावली 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के उपबन्धों के अन्तर्गत होगा और उनका प्रस्तावित होगा, —

- केन्द्र सरकार इस अनुमोदन का शर्तों के बिना यदि उद्यम/उपक्रम —

- मूलभूत सुविधा का जाल रखना प्रारंभ करना है; यद्यपि

- आवकिया का रखने से और आयकर नियमावली, 1962 के नियम 2ड के उपनियम (7) द्वारा प्रयोजित किसी लेखाकार द्वारा ऐसी पद्धतियों की लेखा परीक्षा कराने में असमर्थ हो जाता है, अथवा

- आयकर नियमावली, 1962 के नियम 2ड के उपनियम (7) द्वारा प्रयोजित वार्षिक रिपोर्ट को प्रस्तुत करने में असमर्थ हो जाता है ।

3 अनुमोदित उद्यम/औद्योगिक उपक्रम है—इलेक्ट्रिक ट्रांसमिशन प्रोजेक्ट जिसमें शामिल है (क) टी एसएस प्रूफ मोटर का प्रसारण, (ख) चक्रवात प्रभावित क्षेत्र में नई वितरण नेटवर्क परियोजना (ग) वितरण नेटवर्क में नुकसान को रोकने के लिए मांग साइड प्रबंधन के लिए योजना तथा (घ) मैसर्स सेन्ट्रल इलेक्ट्रीसिटी कंपनी उड़ीसा लि., आई डीसीओ टावर, द्वितीय तल जयपुर, भूखण्ड-751022 द्वारा वितरण नेटवर्क में चोरी को रोकने के लिए उर्जा लेखा परीक्षा [फा नं 205/12/2000-आईटीए-II]

[अधिमूखित संख्या 11575/फा नं 205/12/2000-आईटीए-II]

कमलेश सी. वार्शनी, अवर सचिव

New Delhi, the 22nd December, 2000

S.O. 2.—It is notified for general information that enterprise/industrial undertaking, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2000-2001, 2001-2002 and 2002-2003.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
  - (a) ceases to carry on infrastructure facility, or
  - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
  - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962

3. The enterprise/industrial undertaking approved is :—  
Electric Transmission Project comprising of (a) Installation of Tamper Proof Meter, (b) New distribution not work project in Cyclone affected area, (c) Scheme for demand side Management to reduce losses in distribution network and (d) Energy audit to reduce theft of power in distribution network by M/s Central Electricity Supply Company of Orissa Ltd., IDCO Towers, 2nd Floor, Jangpath, Bhubaneswar-751022 (F. No. 205/12/2000-ITA-II).

[Notification No. 11575/205/12/2000-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 15 दिसम्बर, 2000

का. आ. 3.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, डा. टी. सी. नैयर, मुख्य महाप्रबंधक, आंतरिक ऋण प्रबंधन कक्ष, भारतीय रिजर्व बैंक मुख्यालय को तत्काल प्रभाव से और अगले आदेश होने तक श्री ओ. पी. शर्मा के स्थान पर सेंट्रल बैंक ऑफ इंडिया के निदेशक के रूप में नामित करती है।

[फा. सं. 9/18/2000-बी.ओ.-I]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 15th December, 2000

S.O. 3.—In exercise of the powers conferred by clause (c) of sub-section (3) of

section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Dr. T. C. Nair, Chief General Manager, Internal Debt Management Cell, Reserve Bank of India, Mumbai as a Director of Central Bank of India with immediate effect and until further orders vice Shri O. P. Sharma.

[F. No. 9/18/2000-B.O.I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 21 दिसम्बर, 2000

का. आ. 4.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) और खण्ड 8 के उपखण्ड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक में परामर्श करने के पश्चात् एतद्द्वारा श्री ए. के. एस. राव, जो उस समय केनरा बैंक में महाप्रबंधक हैं, को उनके कार्यभार ग्रहण करने की तारीख से 28 फरवरी, 2003 तक बैंक ऑफ महाराष्ट्र के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/39/2000-बी. ओ.-I]

रमेश चन्द, अवर सचिव

New Delhi, the 21st December, 2000

S.O. 4.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri A. K. S. Rao, presently General Manager, Canara Bank as a whole time director (designated as the Executive Director) of Bank of Maharashtra for the period from the date of his taking charge and upto 28th February, 2003.

[F. No. 9/39/2000-B.O.I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 21 दिसम्बर, 2000

का आ. 5—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) और खण्ड 8 के उपखण्ड (1) के साथ पठित बैंककारी कपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री एस. सी. वोहरा, जो इस समय पंजाब एंड सिंध बैंक से महाप्रबन्धक हैं, को उनके कार्यभार ग्रहण करने की तारीख से और 30 अप्रैल, 2003 तक की अवधि के लिए देना बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/41/2000-बी.ओ.-I]  
रमेश चन्द, अवर सचिव

New Delhi, the 21st December, 2000

S.O. 5.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. C. Vohra, presently General Manager, Punjab & Sind Bank as a whole time director (designated as the Executive Director) of Dena Bank for the period from the date of his taking charge and upto 30th April, 2003.

[F. No. 9/41/2000-B.O. I.]  
RAMESH CHAND, Under Secy.

नई दिल्ली, 21 दिसम्बर, 2000

का आ. 6—रूपण औद्योगिक कम्पनी (विशेष उपबन्ध) अधिनियम, 1985 (1986 का 1) की धारा 6 की उपधारा (2) के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा डा. जे. के. बागची को औद्योगिक और वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण को समाप्त करने या प्रत्युत्था, जो भी पहले हो, अन्तिम निर्णय लिए जाने तक 9 दिसम्बर, 2000 से और छः महीने की अवधि के लिए औद्योगिक और वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण के सदस्य के रूप में पुनर्नियुक्त करती है।

[सं. 7/5/98-बी.ओ. I]  
रमेश चन्द, अवर सचिव

New Delhi, the 21st December, 2000

S.O. 6.—In pursuance of the powers conferred by sub-section (1) of section 5 read with sub-section (2) of section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986), the Central Government

hereby re-appoints Dr. J. K. Bagchi as a Member, Appellate Authority for Industrial and Financial Reconstruction (AAIFR), for a further period of six months with effect from 9th December, 2000, subject to the final decision regarding the abolition or otherwise of AAIFR, whichever event occurs earlier.

[F. No. 7/5/98-B.O. I.]

RAMFISH CHAND, Under Secy

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 13 नवम्बर, 2000

का आ. 7—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (ख) के अनुसरण में डा. आर. सी. अरोड़ा, डीन, चिकित्सा संकाय, बुंदेलखण्ड विश्वविद्यालय और प्रिंसीपल मेडिकल कालेज, झांसी को बुंदेलखण्ड विश्वविद्यालय की कोर्ट द्वारा 27 अगस्त, 2000 में भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है।

अतः अब उक्त अधिनियम, की धारा 3 की उपधारा (1) के अनुसरण में केन्द्र सरकार एतद्वारा तत्कालीन स्वास्थ्य मंत्रालय भारत सरकार की अधिसूचना संख्या का आ. 138, दिनांक 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् —

उक्त अधिसूचना में शीर्षक 'धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित' के अधीन क्रम संख्या 53 और उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियों प्रविष्ट्याधिक की जाएगी, अर्थात् —

'55 डा. आर. सी. अरोड़ा, बुंदेलखण्ड विश्वविद्यालय'  
प्रिंसीपल,  
मेडिकल कालेज,  
झांसी।

[सं. बी-11013/27/99-एम.ई. (यू.जी.)]  
पी. जी. कलाधरन, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE  
(Department of Health)

New Delhi, the 13th December, 2000

S.D. 7.—Whereas in pursuance of clause (b) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. R. C. Arora, Dena, Faculty of Medicine, Bundelkhand University and Principal, Medical College, Jhansi has been elected by the Court of Bundelkhand University to be member of the Medical Council of India with effect from 27th August, 2000.

Now, therefore, in pursuance of the provision of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely:—

In the said Notification, under the heading, 'Elected under clause (b) of sub-section (1) of section 3', for serial number

55 and the entry relating thereto the following serial number and entry shall be added, namely:—

"55. Dr R.C. Arora. Bundelkhand University"  
Principal,  
Medical College,  
Jhansi.

[No. V-11013/27 99-ME(UG)]

P. G. KALADHARAN, Under Secy.

शहरी विकास और गरीबी उपशमन मंत्रालय  
(दिल्ली प्रभाग)

नई दिल्ली, 23 दिसम्बर, 2000

का. आ 8.—दिल्ली विकास अधिनियम 1957 1957 का 61) के खण्ड-3 के उपखण्ड 3 की धारा (छ) साथ पठित उप खण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा डा श्रीमती निवेदिता पी. हरन, संयुक्त सचिव (दिल्ली एवं भूमि), शहरी विकास एवं गरीबी उपशमन मंत्रालय और श्रीमती सरिता जे. दाम, सहाय सचिव, राष्ट्रीय राजधानी क्षेत्र योजना बोर्ड को नली विकास प्राधिकरण का सदस्य नामित करती है और भारत सरकार स्वास्थ्य मंत्रालय की सं. 12-173/57-एमसी दिनांक 30-12-1957 की अधिसूचना में निम्नलिखित सशोधन करती है, नामतः—

- (i) नर. सं. 9 में, प्रविष्टि "डा (श्रीमती) निवेदिता पी. हरन, संयुक्त सचिव (दिल्ली एवं भूमि), शहरी विकास एवं गरीबी उपशमन मंत्रालय" के बदले निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, नामतः "श्री मधुकर गुप्ता, संयुक्त सचिव (दिल्ली एवं भूमि), शहरी विकास एवं गरीबी उपशमन मंत्रालय"।
- (ii) मद सं. 10 में, प्रविष्टि "श्री वी. सुरेश, अध्यक्ष एवं प्रबंध निदेशक, आवास तथा नगर विकास निगम" के बदले निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, नामतः "श्रीमती सरिता जे. दाम, सहाय सचिव, राष्ट्रीय राजधानी क्षेत्र योजना बोर्ड"।

[सं. के-11011/20/97-डी.डी.आई.ए]

बी. के. मिश्रा, अवर सचिव

MINISTRY OF URBAN DEVELOPMENT AND  
POVERTY ALLEVIATION  
(Delhi Division)

New Delhi, the 23rd December, 2000

S.O. 8.—In exercise of the powers conferred by Sub-section (1) read with clause (g) of Sub-section (3) of Section 3 of the Delhi Development Act, 1957 (61 of 1957), the Central Government hereby nominates Shri Madhukar Gupta, Joint Secretary (D&L), Ministry of Urban Development & Poverty Alleviation and Smt. Sarita J. Das, Member Secretary, N.C.R. Planning Board as Members of Delhi Development Authority vice Smt. Nivedita P. Haran, Joint Secretary and Shri V. Suresh, Chairman & Managing Director. 3490 GI 2000—2.

Housing & Urban Development Corporation, respectively and makes the following amendments in the notification of the Government of India, Ministry of Health No. 12-173 57-I SG dated 30-12-1957, namely:

- (i) In item No. 9, for the entry "Smt. Nivedita P. Haran, Joint Secretary (Delhi & Lands), Ministry of Urban Development & Poverty Alleviation", the following entry shall be substituted, namely, "Shri Madhukar Gupta, Joint Secretary (Delhi & Lands), Ministry of Urban Development & Poverty Alleviation".
- (ii) In item 10, for the entry "Shri V. Suresh, Chairman & Managing Director, Housing and Urban Development Corporation", the following entry shall be substituted, namely, "Smt. Sarita J. Das, Member Secretary, National Capital Region Planning Board".

[No K-11011/20/97-DDIA]

V. K. MISRA, Under Secy.

पोत परिवहन मंत्रालय

नई दिल्ली, 26 दिसम्बर, 2000

का आ 9.—केन्द्र सरकार गोदी कामगार (गंजगार का अधिनियम) अधिनियम 1948 (1948 का 9) की धारा 5 की उप-धारा (3) और (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार जल मत्तल परिवहन मंत्रालय की दिनांक 17 अक्टूबर, 1996 की अधिसूचना सं. आ म 2993 का अधिक्रमण करके निम्नलिखित व्यक्तियों को उपर धारा 5 की उप-धारा (i) के अधीन स्थापित कलकत्ता गोदी श्रमिक बोर्ड के सदस्यों के रूप में नियुक्त करती है, अर्थात्:—

I केन्द्र सरकार का प्रतिनिधित्व करने वाले सदस्य:—

- 1 अध्यक्ष, कलकत्ता पत्तन न्याय, कलकत्ता।
- 2 उपाध्यक्ष, कलकत्ता गोदी श्रमिक बोर्ड कलकत्ता।
- 3 संयुक्त सचिव (औद्योगिक संबंध) श्रम विभाग पश्चिम बंगाल सरकार कलकत्ता,
- 4 यातायात प्रबंधक कलकत्ता पत्तन न्याय, कलकत्ता।
- 5 श्री एन. बारिक अवर सचिव (श्रम-I) पोत परिवहन मंत्रालय।

II गोदी कामगारों का प्रतिनिधित्व करने वाले सदस्य

- 1 मोहम्मद कौसर—कलकत्ता डाक वर्कर्स यूनियन (एच एम एम)
- 2 श्री जानकी मुखर्जी—नेशनल यूनियन आफ वाटरफंट वर्कर्स (इंटक)
- 3 वेस्ट बंगाल डाक मजदूर यूनियन (इंटक) प्रतिनिधित्व करने वाले सदस्य (यूनियनों के आंतरिक विवाद का समाधान होने के बाद नियुक्ति किए जाने वाले)।
- 4 श्री अमिताभ बनर्जी पोर्ट एंड डाक इंडस्ट्रियल वर्कर्स यूनियन (एफआईटीयू/ए आई पी और डी डब्ल्यू एफ)
- 5 श्री राबिन मजूमदार डाक श्रमिक एसोसिएशन (सीटू)

### III गोदी कामगारों और नौवहन कम्पनियों का प्रतिनिधित्व करने वाले सदस्य :

1. श्री पार्थ सवन बोस कलकत्ता में स्टीविडोर्स एसोसिएशन
2. श्री एस महालिंगम परामर्शदात्री समिति
3. श्री डी. के. गोसिया
4. कैप्टन एस वी मजूमदार कलकत्ता में पोत परिवहन हितों की एसोसिएशन
5. कैप्टन एम मुखर्जी इंडियन नेशनल शिप आनर्स एसोसिएशन
2. केन्द्र सरकार एनडू द्वारा कलकत्ता पोत न्यास कलकत्ता के अध्यक्ष को बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[फा. म. एल. बी-13014/1/96 यू. एस (एल)]

बी. के. अग्रवाल, अवर सचिव

#### MINISTRY OF SHIPPING

New Delhi, the 26th December, 2000

S.O. 9.—In exercise of the powers conferred by Sub-section (3) and (4) of Section 5A of Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) and in supersession of the notification of the Government of India in the Ministry of Surface Transport, No. S.O. 2993 dated 17th October, 1996, the Central Government hereby appoints the following persons to be members of the Calcutta Dock Labour Board established under Sub-section (1) of the said Section 5A, namely :—

1. Members Representing the Central Governments
  1. Chairman, Calcutta Port Trust, Calcutta
  2. Deputy Chairman, Calcutta Dock Labour Board, Calcutta.
  3. Joint Secretary (Industrial Relations), Labour Department, Government of West Bengal, Calcutta.
  4. Traffic Manager, Calcutta Port Trust, Calcutta.
  5. Sh. N. Barik, Under Secretary (Labour-I), Ministry of Shipping.

#### II. Members Representing the Dock Workers :

1. Md. Kausar—Calcutta Dock Workers' Union (HMS).
2. Sh. Janaki Mukherjee—National Union of Water-front Workers (INTUC).
3. Members representing West Bengal Dock Mazdoor Union (INTUC), (to be appointed after intra union dispute is resolved).
4. Sh. Amitabha Banerjee, Calcutta Port & Dock Industrial Workmen Union (FITU/AIP & DWF).
5. Sh. Rabin Mazumdar, Dock Shamik Association (CITU).

#### III. Members Representing the Employers of Dock Workers and Shipping Companies :

1. Shri Partha Sadhan Bose Consultative Committee
  2. Shri S. Mahalingham of Stevedores
  3. Sh. D. K. Gorsia in Calcutta.
  4. Capt. S. B. Mazumdar Association of Shipping interests in Calcutta.
  5. Capt. S. Mukherjee Indian National Shipowners Association.
  2. The Central Government hereby nominates the Chairman, Calcutta Port Trust, Calcutta as the Chairman of the Board.
- [File No. LB-13014/1/96 US(L)]  
V. K. AGGARWAL, Under Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

शुद्धि पत्र

नई दिल्ली, 11 दिसम्बर, 2000

का.आ. 10.—रेल मंत्रालय (रेलवे बोर्ड) की 19-6-2000 की समसंख्यक अधिसूचना के अंतर्गत अधिसूचित किए गए दक्षिण पूर्व रेलवे के "वॉरेंट सेक्शन इंजीनियर (निर्माण) डोंगरगढ़" कार्यालय के नाम को संशोधित करके "वॉरेंट सेक्शन इंजीनियर (कैरिज एंव वैगन) डोंगरगढ़" पढ़ा जाए।

[म. हिन्दी 99/रा. भा. 1/12/1)]

विजय कुमार मल्हात्रा, निदेशक (राजभाषा)

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 17 नवम्बर, 2000

का.आ. 11.—केन्द्र सरकार सार्वजनिक परिसर अनाधिकृत अधिभोक्ताओं की बेदखली अधिनियम, 1971 (1971 का 40) की धारा-3 के द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए भारत सरकार राजपत्रित अधिकारी के समक्ष श्री एम.एस. बजाज, उप निदेशक (प्रशासन), दूरदर्शन महानिदेशालय, नई दिल्ली को उक्त अधिनियम के प्रयोजनार्थ सम्पदा अधिकारी के रूप में नियुक्त करती है। श्री एम.एस. बजाज पंजाब भवन, कापूरनिकस मार्ग मण्डी हाउस सफिल भगवान दाम रोड, व्हाइट हाउस और महात्मा ज्योतिराव फुले मार्ग से घिरे दूरदर्शन महानिदेशालय से सम्बद्ध मण्डी हाउस, नई दिल्ली की स्थानीय सीमा के अन्तर्गत सार्वजनिक परिसर मामलों में उक्त अधिनियम के द्वारा या इसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों तथा सौंपे गए कार्यों का निष्पादन करेंगे।

[म. 904/13/2000-एससीओआर/टीवी (ए)]

आर. के. अग्रवाल, अवर सचिव

#### MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 17th November, 2000

S.O. 11.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints Shri S. M. Bajaj, Deputy Director (Administration), Directorate General, Doordarshan, New Delhi, equivalent to the rank of a gazetted officer of the Government, to be Estate Officer for the purpose of the said Act. Shri S. M. Bajaj shall exercise the powers conferred, and perform the duties imposed on Estate Officers, by or under the said Act in respect of the public premises within the local limits of Mandi House, New Delhi bounded by Punjab Bhawan, Copernicus Marg, Mandi House Circle, Bhagwan Dass Road, White House and Mahatma Jyoti Rao Phule Marg, belonging to the Directorate General, Doordarshan.

[No. 904/13/2000-SCOR/TV (A)]

R. K. AGARWAL, Under Secy.

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 1 जनवरी, 2001

का. आ. 12.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) अधिसूचना का. आ. सं. 3399, तारीख 11 नवम्बर 1999 के पृष्ठ 7443 और 7444 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना में निम्नलिखित रीति से संशोधित करती है, अर्थात् :-

अधिसूचना के स्तंभ (4) पंक्ति 19 में अंक "02" के स्थान पर अंक "07" पढ़ें;  
और स्तंभ (3) पंक्ति 40 में अंक "00" के स्थान पर अंक "04" पढ़ें।

[सं. एल.-14014/11/99-जी पी (भाग-V)]

सुनील कुमार सिंह, अवर सचिव

**Ministry of Petroleum and Natural Gas**

New Delhi, the 1st January, 2001

S. O. 12.— In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, ( 50 of 1962), the Central Government hereby amends the Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 3399 dated 11<sup>th</sup> November, 1999, published in the Gazette of India Part II, Section-3 sub section (ii) at page 7444 and published on 27<sup>th</sup> November, 1999 in the following manner, namely :-

In Schedule, in column (4), in line 19, for the figure "02" read figure "07".

[No.L-14014/11/99-GP(Vol V)]

S. K. SINGH, Under Secy

नई दिल्ली, 1 जनवरी, 2001

का. आ. 13.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं में निम्नलिखित रीति से संशोधित करती है, अर्थात् :-

(i) अधिसूचना का. आ. सं. 3371, तारीख 11 नवम्बर 1999 में पृष्ठ 7407 पर स्तंभ (2), (3), (4) व (5) में, पंक्ति 16 के बाद क्रमशः अंक और अक्षर, "51/भाग", "00", "18" व "05" पढ़ें।

(ii) अधिसूचना का. आ. सं. 3372, तारीख 11 नवम्बर 1999 में पृष्ठ 7408 पर स्तंभ (3) पंक्ति 23 में अंक "00" के स्थान पर अंक "01" पढ़ें।

[सं. एल.-14014/11/99-जी पी (भाग-V)]

सुनील कुमार सिंह, अवर सचिव

नई दिल्ली, 4 जनवरी, 2001

का. आ. 14.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 159 तारीख 11 जनवरी 2000, द्वारा पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 25-01-2000 को उपलब्ध करा दी गई थी,

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है.

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है;

और केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मुक्त, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।



अनुसूची					
पुलिस थाना : पौशकुडा	जिला : मिदनापुर		राज्य : पश्चिमी बंगाल		
गाँव	अधिकारिता	प्लॉट	क्षेत्र		
	सूची संख्या	संख्या	हक्कदार	आर	मंटीआर
1	2	3	4	5	6
ब्रन्दावणचक	41	1	0	3	15
		148	0	3	67
		475	0	1	25
		565	0	0	70
		566	0	1	16
		567	0	1	35
		568	0	5	83
		569	0	0	99
		571	0	9	58
		572	0	0	20
		573	0	0	20
		574	0	5	41
		575	0	4	49
		577	0	3	43
		579	0	2	96
		580	0	3	41
		594	0	4	69
		595	0	6	45
		596	0	2	9
		597	0	3	37
		606	0	1	37
		614	0	5	56
		615	0	6	34
		616	0	8	68
		683	0	1	94
		684	0	1	96
		687	0	0	85
		689	0	1	48
		691	0	1	6
		692	0	2	20

1	2	3	4	5	6
		693	0	2	86
		694	0	2	5
		709	0	5	96
		712	0	0	20
		933	0	1	4
		934	0	4	86
		935	0	2	78
		936	0	3	56
		937	0	6	43
		938	0	6	20
		951	0	11	81
		953	0	0	55
		954	0	0	20
		961	0	1	84
		962	0	4	70
		963	0	4	39
		965	0	2	78
		966	0	1	7
		967	0	6	64
		1186	0	2	2
		1188	0	0	72
		1189	0	0	44
		1190	0	0	35
		1191	0	8	87
		1192	0	4	29
		1193	0	3	69
		1195	0	0	87
		1196	0	3	86
		1199	0	5	90
		1203	0	4	49
		1204	0	0	20
		1206	0	2	67
		1207	0	7	95
		1214	0	0	20

1	2	3	4	5	6
		1238	0	1	11
		1239	0	2	87
		1240	0	5	73
		1250	0	5	1
		1251	0	9	4
		1252	0	0	20
		1253	0	0	46
		1273	0	0	32
		1281	0	6	11
		5636	0	1	84
		5637	0	5	89
		5883	0	1	97
		5884	0	2	82
		5886	0	1	77
		5890	0	0	56
		5896	0	2	68
		5901	0	4	67
		5902	0	0	48
		5903	0	0	20
		5961	0	0	20
		5991	0	0	55
		1203/5888	0	3	90
		1203/5889	0	2	27
		1281/5929	0	1	39
		1281/5930	0	1	8
		1281/5931	0	1	90
		1281/5932	0	3	23
		718/6327	0	1	29
		718/6328	0	5	38
		718/6329	0	8	57
		952/5839	0	0	79
		952/5840	0	4	7
कृष्णचक	43	87	0	5	66

1	2	3	4	5	6
		88	0	0	32
		89	0	0	20
		90	0	0	51
		91	0	10	80
		92	0	5	97
		93	0	2	82
		94	0	4	18
		95	0	3	34
		96	0	0	62
		97	0	0	73
		147	0	2	16
		148	0	3	70
		149	0	2	52
		150	0	2	74
		152	0	0	92
		153	0	1	47
		154	0	0	20
		155	0	5	85
		158	0	0	67
		161	0	4	57
		162	0	4	18
		164	0	0	60
		165	0	3	39
		166	0	0	20
		192	0	2	11
		193	0	3	82
		194	0	2	22
		196	0	1	88
		197	0	2	62
		200	0	2	23
		202	0	3	90
		204	0	0	20
		224	0	1	5
		225	0	1	40

1	2	3	4	5	6
		226	0	1	86
		227	0	3	36
		230	0	2	0
		231	0	4	42
		235	0	3	67
		236	0	4	25
		237	0	4	20
		260	0	0	73
		261	0	7	5
		262	0	2	17
		267	0	2	77
		269	0	9	98
		270	0	0	96
		294	0	4	51
		297	0	5	27
		380	0	1	59
		386	0	0	20
		403	0	0	37
		420	0	0	95
		421	0	0	37
		424	0	0	65
		425	0	0	63
		426	0	2	68
		428	0	4	71
		153/427	0	0	72
हातिशाल	51	2532	0	0	42
		2533	0	0	23
		2534	0	0	20
		2538	0	0	20
		2543	0	6	13
		2544	0	2	51
		2545	0	3	66
		2546	0	4	34

1	2	3	4	5	6
		2547	0	4	4
		2586	0	3	20
		2587	0	7	98
		2588	0	4	48
		2591	0	3	59
		2592	0	6	9
		2595	0	3	66
		2596	0	2	82
		2597	0	1	89
		2699	0	0	20
		2703	0	0	70
		2704	0	0	20
		2717	0	4	62
		2719	0	2	47
		2722	0	7	94
		2723	0	5	16
		2765	0	3	80
		2766	0	2	76
		2767	0	5	5
		2768	0	4	12
		2769	0	3	20
		2792	0	8	54
		2793	0	8	45
		2800	0	7	96
		2801	0	2	32
		2804	0	3	12
		2805	0	5	25
		2820	0	0	98
		2863	0	7	71
		2864	0	0	37
		2865	0	0	92
		2873	0	0	20
		2875	0	5	80
		2876	0	3	16

1	2	3	4	5	6
		2898	0	0	70
		2902	0	0	39
		2957	0	5	89
		2958	0	7	80
केशापाट	50	460	0	0	83
		461	0	5	24
		462	0	0	32
		463	0	4	36
		464	0	0	35
		465	0	1	62
		466	0	0	20
		467	0	1	11
		468	0	4	29
		469	0	6	92
		470	0	4	18
		471	0	0	20
		472	0	3	57
		484	0	3	70
		485	0	3	40
		486	0	10	91
		488	0	0	51
		489	0	0	30
		511	0	11	69
		512	0	0	20
		543	0	4	79
		544	0	2	80
		562	0	2	78
		571	0	3	02
		572	0	4	3
		573	0	2	21
		1006	0	0	20
		1007	0	5	81
		1013	0	3	21

1	2	3	4	5	6
		1014	0	1	84
		1015	0	1	2
		1016	0	3	99
		1023	0	0	28
		1024	0	2	92
		1025	0	3	80
		1026	0	3	56
		1027	0	3	53
		1039	0	11	51
		1040	0	0	37
		1041	0	6	59
		1047	0	1	8
		1180	0	1	*11
		1192	0	0	20
		1201	0	0	20
		1202	0	9	23
		1205	0	0	80
		1206	0	0	20
		1209	0	5	26
		1210	0	4	59
		1215	0	4	32
		1217	0	0	56
		1218	0	1	44
		1219	0	1	11
		1220	0	1	07
		1222	0	0	20
		1223	0	4	84
		1224	0	1	55
		1225	0	2	23
		1226	0	0	20
		1244	0	1	76
		1245	0	2	63
		1246	0	0	45
		1250	0	4	32



1	2	3	4	5	6
		1251	0	4	44
		1252	0	1	95
		306	0	0	20
		307	0	0	20
		308	0	0	28
		310	0	3	11
		311	0	0	70
		312	0	2	88
		322	0	0	60
		329	0	4	53
		330	0	1	95
		331	0	7	94
		335	0	0	20
		1348	0	3	50
		1349	0	1	17
		1350	0	0	51
		1482	0	0	20
		1498	0	3	20
		1499	0	2	54
		1573	0	0	51
		1575	0	1	53
		1576	0	1	95
		1577	0	2	60
सापालनगर	70	934	0	0	20
		935	0	0	20
		936	0	1	48
		938	0	2	59
		943	0	3	99
		944	0	0	65
		945	0	3	71
		946	0	5	70
		952	0	1	02
		953	0	5	70

1	2	3	4	5	6
		955	0	4	73
		956	0	2	69
		958	0	0	41
पुर्वपितपुर	69	1349	0	0	20
		1362	0	0	41
		1363	0	0	41
		1365	0	5	44
		1366	0	12	20
		1376	0	1	11
		1377	0	2	18
		1389	0	3	34
		1390	0	0	20
		1391	0	13	36
		1392	0	1	13
		1420	0	0	36
		1421	0	3	38
		1422	0	2	25
		1426	0	0	55
		1434	0	5	38
		1437	0	1	83
		1438	0	1	20
		1440	0	3	75
		1441	0	6	68
		1442	0	1	67
		1443	0	2	04
		1802	0	2	64
		1830	0	0	23
		1975	0	1	75
		1976	0	1	02
		1978	0	1	39
		1979	0	0	65
		1980	0	1	39
		1981	0	0	37

1	2	3	4	5	6
		1987	0	1	21
		1989	0	1	25
		1990	0	14	94
		1998	0	2	13
		2248	0	0	20
द्वारा	72	28	0	0	66
		230	0	4	82
		231	0	2	15
		232	0	2	60
		233	0	1	76
		234	0	5	36
		235	0	1	53
		236	0	1	59
		237	0	3	96
		241	0	1	17
		242	0	1	52
		245	0	2	27
		246	0	1	6
		247	0	1	21
		248	0	0	45
		249	0	1	64
		250	0	0	37
		462	0	0	66
		463	0	1	07
		464	0	1	54
		483	0	0	20
		484	0	4	77
		485	0	0	41
		486	0	1	11
		487	0	5	57
		488	0	1	11
		494	0	0	41
		495	0	5	89

1	2	3	4	5	6
		497	0	0	25
		498	0	2	09
		499	0	2	56
		500	0	0	88
		501	0	0	54
		509	0	0	20
		597	0	4	03
		598	0	9	46
		599	0	12	81
		606	0	3	20
		607	0	2	59
		609	0	0	20
		610	0	0	20
		611	0	0	99
		612	0	0	88
		613	0	0	74
		614	0	2	18
		615	0	0	82
		616	0	0	20
		631	0	3	71
		632	0	6	79
		720	0	4	73
		721	0	1	02
		722	0	2	00
		723	0	3	90
		724	0	0	42
		726	0	2	13
		727	0	1	49
		728	0	0	37
		778	0	0	83
		779	0	0	37
		780	0	6	17
		782	0	1	54
		783	0	1	76

1	2	3	4	5	6
		784	0	3	20
		785	0	1	53
		786	0	2	39
		787	0	2	76
		788	0	3	25
		791	0	2	15
		845	0	3	00
		856	0	10	81
		857	0	3	52
		867	0	0	93
		869	0	2	18
		870	0	4	46
		871	0	1	56
		885	0	0	20
		886	0	4	22
		887	0	0	20
		920	0	0	20
		921	0	0	72
		922	0	2	32
		923	0	4	96
		924	0	4	76
		925	0	0	32
		926	0	5	35
		940	0	0	20
		941	0	1	55
		942	0	4	58
		943	0	6	45
		944	0	4	22
		946	0	0	21
		947	0	0	20
		948	0	1	07
		949	0	3	80
		961	0	0	20
		962	0	0	20

1	2	3	4	5	6
		963	0	0	67
		964	0	0	66
		965	0	2	88
		966	0	1	81
		967	0	0	21
		970	0	3	02
		971	0	0	20
		983	0	0	20
		984	0	8	39
		986	0	1	30
		987	0	1	72
		988	0	4	64
		989	0	4	27
		990	0	7	5
		991	0	4	82
		992	0	12	40
		993	0	5	77
		995	0	0	20
		1008	0	0	37
		233/1248	0	0	20
		237/1130	0	1	11
		237/1257	0	0	20
		237/1259	0	2	00
		237/1262	0	1	14
		237/1263	0	1	90
		237/1264	0	3	85
		237/1265	0	0	20
		237/1267	0	0	20
		237/1270	0	2	53
		237/1276	0	5	49
		631/1210	0	4	71
		632/1211	0	0	20
		785/1217	0	1	40
		788/1218	0	1	93

1	2	3	4	5	6
		962/1230	0	2	23
कलिश्वर	73	134	0	0	23
		440	0	0	52
		452	0	13	32
		462	0	5	57
		467	0	0	79
		468	0	3	26
		472	0	3	62
		473	0	2	21
		586	0	2	32
		587	0	1	65
		590	0	0	34
		591	0	3	62
		592	0	3	00
		593	0	1	74
		595	0	3	34
		596	0	0	91
		597	0	3	11
		598	0	0	44
		599	0	1	11
		600	0	1	37
		601	0	1	25
		607	0	5	51
		608	0	1	58
		134/1026	0	2	46
		462/1113	0	2	97
		462/1115	0	5	50
		608/1157	0	0	45
गोपालचक	207	37	0	2	76
		76	0	0	20
		89	0	3	86
		92	0	7	80

1	2	3	4	5	6
		93	0	2	74
		94	0	1	30
		95	0	0	20
		96	0	6	41
		97	0	1	95
		190	0	2	04
		192	0	3	71
ऊत्तरचावियारा	208	42	0	0	79
		71	0	2	51
		72	0	8	49
		73	0	4	18
		74	0	0	20
		81	0	0	20
		82	0	2	78
		83	0	5	29
		84	0	8	61
		85	0	0	93
		90	0	2	88
		91	0	1	51
		92	0	3	34
		93	0	7	80
		94	0	6	68
		95	0	0	45
		115	0	8	17
		202	0	0	20
		203	0	10	40
		204	0	8	07
		213	0	0	14
		229	0	0	56
		230	0	8	04
		231	0	1	71
		232	0	8	35
		233	0	2	32



1	2	3	4	5	6
		239	0	6	54
		244	0	0	20
		246	0	3	90
		247	0	0	20
		248	0	3	90
		249	0	3	97
		250	0	1	49
		320	0	4	73
		321	0	7	61
		323	0	3	53
		324	0	0	20
		325	0	0	23
		326	0	3	95
		327	0	0	20
		331	0	7	26
		342	0	2	72
		358	0	6	74
		383	0	6	05
		384	0	1	71
		385	0	6	09
		389	0	0	29
		390	0	6	59
		391	0	1	02
		392	0	6	05
		393	0	0	20
		395	0	3	45
		701	0	0	83
		704	0	11	03
		705	0	7	43
		706	0	7	61
		707	0	4	04
		712	0	3	90
		713	0	1	62
		714	0	0	20

1	2	3	4	5	6
		250/1546	0	2	32
		358/1547	0	3	34
		393/1469	0	1	02
		73/1453	0	5	73
		93/1585	0	0	37
मृगदल	216	170	0	2	88
		171	0	0	35
		172	0	2	27
		173	0	6	87
		208	0	0	20
		209	0	5	52
		212	0	0	40
		213	0	2	92
		215	0	6	59
		216	0	0	56
		217	0	7	98
		220	0	5	85
		229	0	0	20
		230	0	3	92
		233	0	0	44
		234	0	0	20
		236	0	0	65
		237	0	2	69
		238	0	1	66
		239	0	7	69
		325	0	4	08
		329	0	0	20
		333	0	0	27
		334	0	0	74
		335	0	0	20
		336	0	1	34
		337	0	2	04
		338	0	1	39

1	2	3	4	5	6
		339	0	2	88
		340	0	0	55
		344	0	1	25
		345	0	1	58
		347	0	0	83
		348	0	0	20
		350	0	1	49
		351	0	6	31
		356	0	3	34
		359	0	1	11
		360	0	5	10
		361	0	0	22
		363	0	0	20
		403	0	0	65
		464	0	0	20
		465	0	0	80
		466	0	0	65
		467	0	0	56
		468	0	2	78
		470	0	4	08
		471	0	7	89
		472	0	2	32
		476	0	0	20
		480	0	1	62
		481	0	6	08
		482	0	2	00
		483	0	1	95
		484	0	0	20
		490	0	5	29
		491	0	4	18
		492	0	1	48
		636	0	6	13
		658	0	6	21
		659	0	2	07

1	2	3	4	5	6
		660	0	1	95
		679	0	4	55
		687	0	0	20
		715	0	0	23
		723	0	3	62
		724	0	5	10
		730	0	0	20
		737	0	0	69
ढूलियापूर	215	1206	0	0	83
		1213	0	0	55
		1214	0	1	2
		1215	0	2	35
		1216	0	1	81
		1217	0	0	20
		1224	0	0	23
		1225	0	0	20
		1226	0	3	34
		1227	0	1	73
		1228	0	2	76
		1229	0	2	4
		1230	0	0	20
		1244	0	2	68
		1245	0	1	25
		1246	0	1	39
		1247	0	3	39
		1251	0	2	46
		1252	0	0	43
		1253	0	1	59
		1256	0	0	20
		1257	0	2	25
		1258	0	0	98
		1262	0	0	20
		1263	0	2	98

1	2	3	4	5	6
		1264	0	1	87
		1265	0	1	35
		1266	0	0	20
		1277	0	1	87
		1330	0	5	99
		1333	0	1	74
		1334	0	3	99
		1335	0	4	46
		1336	0	7	47
		1338	0	5	71
		1339	0	5	71
		1342	0	1	90
		1343	0	0	20
		1345	0	0	20
		1426	0	0	83
		1995	0	5	33
		1996	0	1	0
		1997	0	3	57
		1998	0	0	20
		1999	0	2	44
		2012	0	1	78
		2013	0	2	65
		2014	0	1	99
		2015	0	0	20
		2016	0	0	32
		2017	0	0	32
		2031	0	0	81
		2032	0	7	39
		2033	0	1	30
		2049	0	1	89
		2050	0	7	82
		2051	0	5	36
		2053	0	0	20
		2079	0	12	29

1	2	3	4	5	6
		2080	0	0	39
		2115	0	4	1
		2116	0	0	72
		2117	0	0	72
		2118	0	0	32
		2146	0	3	37
		2147	0	2	69
		2148	0	0	61
		2175	0	8	16
		2252	0	3	71
बसन्तवार	210	330	0	2	12
		431	0	1	44
		432	0	2	65
		433	0	2	95
		434	0	4	13
		435	0	0	20
		480	0	5	57
		482	0	0	20
		483	0	2	97
		484	0	4	18
		485	0	2	32
		493	0	3	85
		494	0	5	66
		602	0	2	53
		659	0	2	69
		663	0	3	57
		664	0	2	4
आमडूवि	211	565	0	3	10
		566	0	4	84
		567	0	6	22
		571	0	3	8
		572	0	3	52

1	2	3	4	5	6
		574	0	3	20
		575	0	5	19
		577	0	2	92
		584	0	4	56
		585	0	4	55
		589	0	0	20
		590	0	1	99
		769	0	6	35
		770	0	8	25
		771	0	6	64
		772	0	3	34
		774	0	0	20
		775	0	0	86
		831	0	0	48
		832	0	0	20
		833	0	1	53
		834	0	4	16
		835	0	4	56
		836	0	10	97
		837	0	5	98
		1016	0	1	78
		1149	0	0	56
		1151	0	8	30
		1195	0	0	20
		1196	0	0	48
सरमुत्ता	212	255	0	0	42
		256	0	4	92
		259	0	3	20
		260	0	3	57
		261	0	4	03
		520	0	0	37
		539	0	2	04
		541	0	0	56

1	2	3	4	5	6
		542	0	1	95
		543	0	2	69
		551	0	10	49
		552	0	0	37
		553	0	4	13
		554	0	4	97
		558	0	0	20
		567	0	0	20
		568	0	2	63
		569	0	13	59
		584	0	4	83
		586	0	7	66
		587	0	1	54
		588	0	3	66
		589	0	2	23
		591	0	5	81
		592	0	0	83
		593	0	1	25
		594	0	2	41
		595	0	2	18
		677	0	6	54
		679	0	8	26
		682	0	0	20
		683	0	7	98
		684	0	5	42
		685	0	0	93
		687	0	0	69
		688	0	3	25
		689	0	3	20
		690	0	0	20
		691	0	1	58
		692	0	2	14
		694	0	0	83
		695	0	5	79



1	2	3	4	5	6
		697	0	2	23
		698	0	1	82
		699	0	1	52
		1778	0	2	09
		1834	0	3	11
		1848	0	0	70
		1849	0	0	60
सुन्दरनगर	335	304	0	1	08
		305	0	0	47
		306	0	0	89
		363	0	5	68
		367	0	1	30
		368	0	4	92
		369	0	7	64
		370	0	1	90
		373	0	0	20
		409	0	0	20
		412	0	0	20
		413	0	0	34
		417	0	0	20
		425	0	0	45
		428	0	0	37
		429	0	7	10
		430	0	2	12
		431	0	1	95
		432	0	0	32
		433	0	1	31
		434	0	2	78
		442	0	1	21
		443	0	1	59
		444	0	2	78
		445	0	0	20
		446	0	2	08

1	2	3	4	5	6
		447	0	4	27
		448	0	2	36
		449	0	0	20
		677	0	5	44
		678	0	10	68
		680	0	1	26
		681	0	0	70
		695	0	4	40
		697	0	1	49
		698	0	0	20
		699	0	9	33
		700	0	3	41
		704	0	0	78
		705	0	0	53
		706	0	1	36
		708	0	0	86
		710	0	4	62
		711	0	1	30
		712	0	2	36
		715	0	1	75
		716	0	0	20
		719	0	1	27
		763	0	1	49
		764	0	0	20
		765	0	2	69
		766	0	1	26
		772	0	0	83
		775	0	1	75
		776	0	1	76
		777	0	1	53
		778	0	10	43
		783	0	1	97
		784	0	1	25
		792	0	9	02

1	2	3	4	5	6
		793	0	3	45
		795	0	0	20
		797	0	0	56
		798	0	5	89
		799	0	10	85
		813	0	7	56
		819	0	2	99
		820	0	0	20
		1270	0	3	53
		1271	0	2	63
		1272	0	1	23
		1275	0	0	26
		1276	0	1	48
		1277	0	0	23
		1292	0	3	92
		1303	0	3	48
		1326	0	0	20
		1351	0	2	38
	333	38	0	0	20
		39	0	2	65
		40	0	5	44
		41	0	0	20
		43	0	3	02
		44	0	4	97
		53	0	0	26
		58	0	0	43
		59	0	0	20
		74	0	6	59
		75	0	0	56
		77	0	13	60
		78	0	0	20
		44/577	0	0	24
		44/578	0	4	55

1	2	3	4	5	6
		52/569	0	0	63
फकिरगंज	332	223	0	1	95
		224	0	1	45
		225	0	0	88
		226	0	0	32
		229	0	5	40
		230	0	0	20
		233	0	0	30
		234	0	3	35
		269	0	2	97
		272	0	1	02
		273	0	10	86
		274	0	3	16
		282	0	0	20
		287	0	3	53
		297	0	1	97
		298	0	9	10
		311	0	1	62
		312	0	1	79
		315	0	1	95
		316	0	1	25
		317	0	2	51
		318	0	4	23
		321	0	5	81
		322	0	0	24
		323	0	1	74
		324	0	2	38
		325	0	15	39
		333	0	0	20
		334	0	0	74
		419	0	0	44
		420	0	0	56
		438	0	1	72

1	2	3	4	5	6
		439	0	4	73
		309/423	0	1	79
चन्डीपूर	347	118	0	3	34
		171	0	1	90
		172	0	2	32
		173	0	1	43
		174	0	3	25
		175	0	6	13
		176	0	1	58
		177	0	0	20
		180	0	9	61
		183	0	3	14
		184	0	0	63
		185	0	0	20
		188	0	0	56
		189	0	0	52
		190	0	1	91
		191	0	3	82
		226	0	4	01
		228	0	5	75
		229	0	0	65
		232	0	4	01
		233	0	3	34
		234	0	1	11
		235	0	1	67
		236	0	0	20
		237	0	1	21
		242	0	2	40
		243	0	5	53
		244	0	2	28
		532	0	0	92
		533	0	5	34
		534	0	3	48

1	2	3	4	5	6
		535	0	5	53
		537	0	3	57
		538	0	2	51
		539	0	0	83
		540	0	0	93
		549	0	0	20
		550	0	8	34
		551	0	3	04
		552	0	0	37
		557	0	0	28
		558	0	2	14
		559	0	5	82
		560	0	0	20
		564	0	4	99
		565	0	1	00
		566	0	6	14
		567	0	2	60
		568	0	0	20
		630	0	0	20
		631	0	5	29
		632	0	2	38
		633	0	4	35
		634	0	3	28
		635	0	0	20
		648	0	3	67
राधा कृष्णपूर	348	248	0	4	04
		254	0	1	28
		255	0	0	20
बीगरे	349	1	0	3	22
		5	0	6	05
		6	0	5	36
		7	0	0	72

1	2	3	4	5	6
		25	0	6	74
		27	0	0	20
		28	0	0	20
		29	0	5	13
		30	0	5	13
		31	0	0	20
		32	0	1	65
		36	0	0	67
		71	0	2	34
		72	0	7	52
		73	0	1	16
		74	0	0	93
		75	0	6	22
		79	0	0	20
		155	0	2	04
		156	0	3	15
		157	0	11	14
		158	0	0	83
		159	0	0	20
		329	0	0	20
		332	0	1	70
		333	0	0	35
		334	0	0	20
		336	0	2	37
		338	0	0	20
		357	0	0	25
पूरणात्तमपूर	331	864	0	1	62
		865	0	2	55
		894	0	4	84
		1159	0	3	34
		1173	0	2	27
		1175	0	5	73
		1176	0	2	58

1	2	3	4	5	6
		1177	0	1	49
		1178	0	2	26
		1201	0	0	42
		1202	0	3	63
		1207	0	1	37
		1208	0	6	48
		1209	0	1	48
		1211	0	2	74
		1212	0	5	93
		1215	0	0	58
		1216	0	7	17
		1217	0	3	04
		1218	0	0	20
		1226	0	0	20
		1227	0	5	69
		1228	0	4	88
		1229	0	5	25
		1231	0	0	97
		1255	0	1	48
		1261	0	1	04
		1310	0	0	35
		1311	0	9	27
		1312	0	0	88
		1314	0	2	73
		1316	0	0	35
		1317	0	8	56
		1318	0	2	41
		1319	0	3	43
		1320	0	2	84
		1322	0	0	29
		1336	0	3	01
		1338	0	6	01
		1339	0	4	79
		1340	0	10	01
		1342	0	2	47
		1616	0	0	20
		1617	0	1	77
		1618	0	3	45



1	2	3	4	5	6
		1619	0	4	13
		1620	0	6	34
		1659	0	2	10
		1660	0	6	74
		1665	0	1	42
		1696	0	3	06
वेर बेरिया	330	1665	0	0	85
		1666	0	1	11
		1789	0	0	56
		1800	0	0	20
		1801	0	2	97
		1802	0	4	64
		1803	0	4	36
		1804	0	0	74
		1805	0	2	78
		1806	0	6	49
		1807	0	0	20
		1809	0	4	97
		1826	0	2	78
		1827	0	5	10
		1828	0	7	25
		1830	0	8	35
		1831	0	0	56
		1833	0	0	20
		1834	0	5	45
		1840	0	1	00
		1841	0	1	80
		1842	0	1	66
		1843	0	0	52
		1844	0	2	04
		1845	0	5	57
		1846	0	4	57
		1847	0	2	50
		1914	0	2	25
		1915	0	2	32
		1918	0	0	60
		1919	0	3	71
		1920	0	5	12
		1921	0	2	27

1	2	3	4	5	6
		1925	0	0	20
		1932	0	1	62
		1933	0	2	82
		1934	0	5	79
		1935	0	1	48
		1936	0	3	52
		1937	0	2	97
		1939	0	2	18
		1940	0	3	16
		1941	0	1	82
		2115	0	2	19
महम्मद मुराद	352	1	0	0	20
		2	0	8	27
		10	0	4	26
		11	0	1	84
		12	0	9	65
		208	0	4	32
		209	0	3	81
		210	0	1	53
चक गोब्रास	353	12	0	3	43
		13	0	4	60
		126	0	1	16
		127	0	3	61
		129	0	0	20
		130	0	6	59
		131	0	0	20
		132	0	4	79
		133	0	0	88
		134	0	2	88
		135	0	3	15
		176	0	1	71
		181	0	5	85
		182	0	5	51
		183	0	0	51
		212	0	0	55
		213	0	0	54
		214	0	4	92
		215	0	8	06

1	2	3	4	5	6
		224	0	1	09
		225	0	0	20
		229	0	8	49
		230	0	6	17
		239	0	12	48
		240	0	7	19
		241	0	4	05
		275	0	1	14
		277	0	0	65
		278	0	5	06
		279	0	15	64
		286	0	3	95

[सं. आर.-31015/52/2000-ओ आर-1]  
 एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 4th January, 2001

**S. O. 14.**— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 159 dated 11th January, 2000, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from Hazdia in the State of West Bengal to Barauni in the State of Bihar by the Indian Oil Corporation Limited;

And whereas, the copies of the said notification were made available to the public on 25-01-2000;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule to this notification are hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest from date of publication of this declaration in the Indian Oil Corporation Limited, free from all encumbrances.

## Schedule

Police Station : Panskura		District : Midnapur		State : West Bengal	
Village	Jurisdiction	Plot.	Area		
	List No.	No.	Hectares	Ares	Centiares
1	2	3	4	5	6
Brindabanchak	41	1	0	3	15
		148	0	3	67
		475	0	1	25
		565	0	0	70
		566	0	1	16
		567	0	1	35
		568	0	5	83
		569	0	0	99
		571	0	9	58
		572	0	0	20
		573	0	0	20
		574	0	5	41
		575	0	4	49
		577	0	3	43
		579	0	2	96
		580	0	3	41
		594	0	4	69
		595	0	6	45
		596	0	2	9
		597	0	3	37
		606	0	1	37
		614	0	5	56
		615	0	6	34
		616	0	8	68
		683	0	1	94
		684	0	1	96
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		935	0	2	78
		936	0	3	56
		937	0	6	43
		938	0	6	20
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		967	0	6	64
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		1273	0	0	32
		1281	0	6	11
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		5637	0	5	89
		5883	0	1	97
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		5896	0	2	68
		5901	0	4	67
		5902	0	0	48
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		1281/5930	0	1	8
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		718/6327	0	1	29
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		718/6329	0	8	57
		952/5839	0	0	79
		952/5840	0	4	7
Krishnachak	43	87	0	5	66

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		237	0	4	20
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		267	0	2	77
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Hatishal	51	2532	0	0	42
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		2545	0	3	66
		2546	0	4	34



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		2595	0	3	66
		2596	0	2	82
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		2767	0	5	5
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Keshapat	50	460	0	0	83
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		488	0	0	51
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		1027	0	3	53
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		1219	0	1	11
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		1226	0	0	20
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		1331	0	7	94
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		1350	0	0	51
		1482	0	0	20
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		1499	0	2	54
		1573	0	0	51
		1575	0	1	53
		1576	0	1	95
		1577	0	2	60
Gopalnagar	70	934	0	0	20
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		938	0	2	59
		943	0	3	99
		944	0	0	65
		945	0	3	71
		946	0	5	70
		952	0	1	02
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Purbapitpur	69	1349	0	0	20
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		1365	0	5	44
		1366	0	12	20
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		1377	0	2	18
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		1421	0	3	38
		1422	0	2	25
		1426	0	0	55
		1434	0	5	38
		1437	0	1	83
		1438	0	1	20
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		1443	0	2	04
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		1830	0	0	23
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Dehati	72	28	0	0	66
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		232	0	2	60
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		234	0	5	36
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		241	0	1	17
		242	0	1	52
		245	0	2	27
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		488	0	1	11
		494	0	0	41
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		509	0	0	20
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		612	0	0	88
		613	0	0	74
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		615	0	0	82
		616	0	0	20
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		632	0	6	79
		720	0	4	73
		721	0	1	02
		722	0	2	00
		723	0	3	90
		724	0	0	42
		726	0	2	13
		727	0	1	49
		728	0	0	37
		778	0	0	83
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		780	0	6	17
		782	0	1	54
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		869	0	2	18
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		923	0	4	96
		924	0	4	76
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		991	0	4	82
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		237/1262	0	1	14
		237/1263	0	1	90
		237/1264	0	3	85
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		237/1276	0	5	49
		631/1210	0	4	71
		632/1211	0	0	20
		785/1217	0	1	40
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Kaliswar	73	134	0	0	23
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		462	0	5	57
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		473	0	2	21
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		134/1026	0	2	46
		462/1113	0	2	97
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Gopalchak	207	37	0	2	76
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		92	0	7	80

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Uttarchanchiara	208	42	0	0	79
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		72	0	8	49
		73	0	4	18
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		392	0	6	05
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		704	0	11	03
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		707	0	4	04
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		714	0	0	20

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		358/1547	0	3	34
		393/1469	0	1	02
		73/1453	0	5	73
		93/1585	0	0	37
Murail	216	170	0	2	88
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		172	0	2	27
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		208	0	0	20
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Dhuliapur	215	1206	0	0	83
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		2053	0	0	20
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		2116	0	0	72
		2117	0	0	72
		2118	0	0	32
		2146	0	3	37
		2147	0	2	69
		2148	0	0	61
		2175	0	8	16
		2252	0	3	71
Basantabar	210	330	0	2	12
		431	0	1	44
		432	0	2	65
		433	0	2	95
		434	0	4	13
		435	0	0	20
		480	0	5	57
		482	0	0	20
		483	0	2	97
		484	0	4	18
		485	0	2	32
		493	0	3	85
		494	0	5	66
		602	0	2	53
		659	0	2	69
		663	0	3	57
		664	0	2	4
Amdubi	211	565	0	3	10
		566	0	4	84
		567	0	6	22
		571	0	3	8
		572	0	3	52

1	2	3	4	5	6
		574	0	3	20
		575	0	5	19
		577	0	2	92
		584	0	4	56
		585	0	4	55
		589	0	0	20
		590	0	1	99
		769	0	6	35
		770	0	8	25
		771	0	6	64
		772	0	3	34
		774	0	0	20
		775	0	0	86
		831	0	0	48
		832	0	0	20
		833	0	1	53
		834	0	4	16
		835	0	4	56
		836	0	10	97
		837	0	5	98
		1016	0	1	78
		1149	0	0	56
		1151	0	8	30
		1195	0	0	20
		1196	0	0	48
Swara-Swatta	212	255	0	0	42
		256	0	4	92
		259	0	3	20
		260	0	3	57
		261	0	4	03
		520	0	0	37
		539	0	2	04
		541	0	0	56

1	2	3	4	5	6
		542	0	1	95
		543	0	2	69
		551	0	10	49
		552	0	0	37
		553	0	4	13
		554	0	4	97
		558	0	0	20
		567	0	0	20
		568	0	2	63
		569	0	13	59
		584	0	4	83
		586	0	7	66
		587	0	1	54
		588	0	3	66
		589	0	2	23
		591	0	5	81
		592	0	0	83
		593	0	1	25
		594	0	2	41
		595	0	2	18
		677	0	6	54
		679	0	8	26
		682	0	0	20
		683	0	7	98
		684	0	5	42
		685	0	0	93
		687	0	0	69
		688	0	3	25
		689	0	3	20
		690	0	0	20
		691	0	1	58
		692	0	2	14
		694	0	0	83
		695	0	5	79

1	2	3	4	5	6
		697	0	2	23
		698	0	1	82
		699	0	1	52
		1778	0	2	09
		1834	0	3	11
		1848	0	0	70
		1849	0	0	60
Sundarnagar	335	304	0	1	08
		305	0	0	47
		306	0	0	89
		363	0	5	68
		367	0	1	30
		368	0	4	92
		369	0	7	64
		370	0	1	90
		373	0	0	20
		409	0	0	20
		412	0	0	20
		413	0	0	34
		417	0	0	20
		425	0	0	45
		428	0	0	37
		429	0	7	10
		430	0	2	12
		431	0	1	95
		432	0	0	32
		433	0	1	31
		434	0	2	78
		442	0	1	21
		443	0	1	59
		444	0	2	78
		445	0	0	20
		446	0	2	08

1	2	3	4	5	6
		447	0	4	27
		448	0	2	36
		449	0	0	20
		677	0	5	44
		678	0	10	68
		680	0	1	26
		681	0	0	70
		695	0	4	40
		697	0	1	49
		698	0	0	20
		699	0	9	33
		700	0	3	41
		704	0	0	78
		705	0	0	53
		706	0	1	36
		708	0	0	86
		710	0	4	62
		711	0	1	30
		712	0	2	36
		715	0	1	75
		716	0	0	20
		719	0	1	27
		763	0	1	49
		764	0	0	20
		765	0	2	69
		766	0	1	26
		772	0	0	83
		775	0	1	75
		776	0	1	76
		777	0	1	53
		778	0	10	43
		783	0	1	97
		784	0	1	25
		792	0	9	02

1	2	3	4	5	6
		793	0	3	45
		795	0	0	20
		797	0	0	56
		798	0	5	89
		799	0	10	85
		813	0	7	56
		819	0	2	99
		820	0	0	20
		1270	0	3	53
		1271	0	2	63
		1272	0	1	23
		1275	0	0	26
		1276	0	1	48
		1277	0	0	23
		1292	0	3	92
		1303	0	3	48
		1326	0	0	20
		1351	0	2	38
Raghunath Bari	333	38	0	0	20
		39	0	2	65
		40	0	5	44
		41	0	0	20
		43	0	3	02
		44	0	4	97
		53	0	0	26
		58	0	0	43
		59	0	0	20
		74	0	6	59
		75	0	0	56
		77	0	13	60
		78	0	0	20
		44/577	0	0	24
		44/578	0	4	55

1	2	3	4	5	6
		52/569	0	0	63
Fakirganj	332	223	0	1	95
		224	0	1	45
		225	0	0	88
		226	0	0	32
		229	0	5	40
		230	0	0	20
		233	0	0	30
		234	0	3	35
		269	0	2	97
		272	0	1	02
		273	0	10	86
		274	0	3	16
		282	0	0	20
		287	0	3	53
		297	0	1	97
		298	0	9	10
		311	0	1	62
		312	0	1	79
		315	0	1	95
		316	0	1	25
		317	0	2	51
		318	0	4	23
		321	0	5	81
		322	0	0	24
		323	0	1	74
		324	0	2	38
		325	0	15	39
		333	0	0	20
		334	0	0	74
		419	0	0	44
		420	0	0	56
		438	0	1	72

1	2	3	4	5	6
		439	0	4	73
		309/423	0	1	79
Chandipur	347	118	0	3	34
		171	0	1	90
		172	0	2	32
		173	0	1	43
		174	0	3	25
		175	0	6	13
		176	0	1	58
		177	0	0	20
		180	0	9	61
		183	0	3	14
		184	0	0	63
		185	0	0	20
		188	0	0	56
		189	0	0	52
		190	0	1	91
		191	0	3	82
		226	0	4	01
		228	0	5	75
		229	0	0	65
		232	0	4	01
		233	0	3	34
		234	0	1	11
		235	0	1	67
		236	0	0	20
		237	0	1	21
		242	0	2	40
		243	0	5	53
		244	0	2	28
		532	0	0	92
		533	0	5	34
		534	0	3	48



1	2	3	4	5	6
		535	0	5	53
		537	0	3	57
		538	0	2	51
		539	0	0	83
		540	0	0	93
		549	0	0	20
		550	0	8	34
		551	0	3	04
		552	0	0	37
		557	0	0	28
		558	0	2	14
		559	0	5	82
		560	0	0	20
		564	0	4	99
		565	0	1	00
		566	0	6	14
		567	0	2	60
		568	0	0	20
		630	0	0	20
		631	0	5	29
		632	0	2	38
		633	0	4	35
		634	0	3	28
		635	0	0	20
		648	0	3	67
Radha Krishna Pur	348	248	0	4	04
		254	0	1	28
		255	0	0	20
Chaugere	349	1	0	3	22
		5	0	6	05
		6	0	5	36
		7	0	0	72

1	2	3	4	5	6
		25	0	6	74
		27	0	0	20
		28	0	0	20
		29	0	5	13
		30	0	5	13
		31	0	0	20
		32	0	1	65
		36	0	0	67
		71	0	2	34
		72	0	7	52
		73	0	1	16
		74	0	0	93
		75	0	6	22
		79	0	0	20
		155	0	2	04
		156	0	3	15
		157	0	11	14
		158	0	0	83
		159	0	0	20
		329	0	0	20
		332	0	1	70
		333	0	0	35
		334	0	0	20
		336	0	2	37
		338	0	0	20
		357	0	0	25
Purushottam Pur	331	864	0	1	62
		865	0	2	55
		894	0	4	84
		1159	0	3	34
		1173	0	2	27
		1175	0	5	73
		1176	0	2	58

1	2	3	4	5	6
		1177	0	1	49
		1178	0	2	26
		1201	0	0	42
		1202	0	3	63
		1207	0	1	37
		1208	0	6	48
		1209	0	1	48
		1211	0	2	74
		1212	0	5	93
		1215	0	0	58
		1216	0	7	17
		1217	0	3	04
		1218	0	0	20
		1226	0	0	20
		1227	0	5	69
		1228	0	4	88
		1229	0	5	25
		1231	0	0	97
		1255	0	1	48
		1261	0	1	04
		1310	0	0	35
		1311	0	9	27
		1312	0	0	88
		1314	0	2	73
		1316	0	0	35
		1317	0	8	56
		1318	0	2	41
		1319	0	3	43
		1320	0	2	84
		1322	0	0	29
		1336	0	3	01
		1338	0	6	01
		1339	0	4	79
		1340	0	10	01

1	2	3	4	5	6
		1342	0	2	47
		1616	0	0	20
		1617	0	1	77
		1618	0	3	45
		1619	0	4	13
		1620	0	6	34
		1659	0	2	10
		1660	0	6	74
		1665	0	1	42
		1696	0	3	06
Bera Beria	330	1665	0	0	85
		1666	0	1	11
		1789	0	0	56
		1800	0	0	20
		1801	0	2	97
		1802	0	4	64
		1803	0	4	36
		1804	0	0	74
		1805	0	2	78
		1806	0	6	49
		1807	0	0	20
		1809	0	4	97
		1826	0	2	78
		1827	0	5	10
		1828	0	7	25
		1830	0	8	35
		1831	0	0	56
		1833	0	0	20
		1834	0	5	45
		1840	0	1	00
		1841	0	1	80
		1842	0	1	66
		1843	0	0	52

1	2	3	4	5	6
		1844	0	2	04
		1845	0	5	57
		1846	0	4	57
		1847	0	2	50
		1914	0	2	25
		1915	0	2	32
		1918	0	0	60
		1919	0	3	71
		1920	0	5	12
		1921	0	2	27
		1925	0	0	20
		1932	0	1	62
		1933	0	2	82
		1934	0	5	79
		1935	0	1	48
		1936	0	3	52
		1937	0	2	97
		1939	0	2	18
		1940	0	3	16
		1941	0	1	82
		2115	0	2	19
Mahammad Murad	352	1	0	0	20
		2	0	8	27
		10	0	4	26
		11	0	1	84
		12	0	9	65
		208	0	4	32
		209	0	3	81
		210	0	1	53
Chak Gogras	353	12	0	3	43
		13	0	4	60
		126	0	1	16

1	2	3	4	5	6
		127	0	3	61
		129	0	0	20
		130	0	6	59
		131	0	0	20
		132	0	4	79
		133	0	0	88
		134	0	2	88
		135	0	3	15
		176	0	1	71
		181	0	5	85
		182	0	5	51
		183	0	0	51
		212	0	0	55
		213	0	0	54
		214	0	4	92
		215	0	8	06
		224	0	1	09
		225	0	0	20
		229	0	8	49
		230	0	6	17
		239	0	12	48
		240	0	7	19
		241	0	4	05
		275	0	1	14
		277	0	0	65
		278	0	5	06
		279	0	15	64
		286	0	3	95

[No.-31015/52/2001 OR I]  
S. CHANDRASEKHAR, Under Secy.

## श्रम मंत्रालय

## उपस्थित

नई दिल्ली, 13 दिसम्बर, 2000

का.आ. 15.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्री राम सीमेंट, कोटा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2000 को प्राप्त हुआ था।

[सं. एल-29012/53/90-आई आर (विविध. )]

बी. एम. डेविड, अवर सचिव

## MINISTRY OF LABOUR

New Delhi, the 13th December, 2000

S.O. 15.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Sri Ram Cement, Kota and their workman, which was received by the Central Government on 12-12-2000.

[No. L-29012/53/90-JR(Misc.)]  
B. M. DAVID, Under Secy.

## अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

पीठासीन अधिकारी श्री महेश चन्द्र भगवती, आर. एच. जे. एस.

निर्देश प्रकरण क्रमांक: औ. न्या./केन्द्रीय/20/90

दिनांक स्थापित: 5-11-90

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क्रमांक एल. 29012/53/90/आई. आर. (विविध)

दिनांक 24-10-90

निर्देश अन्तर्गत धारा 10(1)(घ)

औद्योगिक विवाद अधिनियम, 1947

## मध्य

जवाहरलाल मीणा पुत्र श्री रामगोपाल

द्वारा हिन्दू मजदूर सभा, बंगाली कोलोनी कोटा

—प्रार्थी श्रमिक

एवं

जनरल मैनेजर, श्रीराम सीमेंट, श्रीराम नगर, कोटा

—प्रार्थी नियोजक

प्रार्थी श्रमिक की ओर से प्रतिनिधि:—श्री पुरुषोत्तम दाधीच  
अप्रार्थी नियोजक की ओर से प्रतिनिधि:— श्री बी. के. जैन  
अधिनिर्णय दिनांक: 23-10-2000

## अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपनी उक्त अधिसूचना/आदेश दि. 24-10-90 के जरिए निम्न निर्देश-विवाद अनुसूची, औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :—

“Whether the action of the management of Shriram Cement Works Limited, Kota in terminating the services of Shri Jawahar Lal Meena S/o Shri Ram Gopal, Driver at their Nimoda Mines with effect from 3-12-88 is legal and justified. If not, to what relief the workman is entitled?”

2. निर्देश-विवाद अनुसूची इस न्यायाधिकरण में प्राप्त होने पर पंजीबद्ध उपरान्त पक्षकारों को सूचना जारी की गयी जिस पर दोनों पक्षों की ओर से अपने-अपने श्रमशास्त्र न्यायाधिकरण में प्रस्तुत किए गए। प्रार्थी श्रमिक की ओर से अपनी साक्ष्य प्रस्तुत किये जाने उपरान्त पक्षावली अप्रार्थी नियोजक की साक्ष्य हेतु नियत थी परन्तु इसी बीच दोनों पक्षों ने आपस में राजीनामा होने के प्रयास का संकेत किया जिस पर पक्षावली आज दि. 23-10-2000 को नियत की गयी।

3. आज प्रार्थी श्रमिक जवाहरलाल मीणा स्वयं मध्य अधिकृत प्रतिनिधि श्री पुरुषोत्तम दाधीच के व अप्रार्थी नियोजक की ओर से प्रबन्धक श्री बृजेश भार्गव मध्य अधिकृत प्रतिनिधि श्री बी. के. जैन के न्यायाधिकरण में उपस्थित होकर एक राजीनामा-पत्र व भुगतान राशि के चेक की फोटो प्रति प्रस्तुत कर यह निवेदन किया कि चूंकि दोनों पक्षों के मध्य लोक न्यायालय की भावना से प्रेरित होकर आपसी समझौता हो गया है जिसके तहत प्रार्थी ने अप्रार्थी से फुल एण्ड फाईनल सेटलमेंट के बतौर 25,000/-रु. की राशि जरिये चेक दि. 20-10-2000 को प्राप्त कर ली है और अब दोनों पक्षों के मध्य लम्बित निर्देश विवाद के संदर्भ में कोई विवाद शेष नहीं रहा है, अतः राजीनामे के आधार पर अधिनिर्णय पारित कर दिया जावे।

4. प्रस्तुतशुदा राजीनामे को दोनों पक्षों को पढ़कर सुनाया व समझाया गया जो दोनों पक्षों ने सही होना स्वीकार किया चूंकि दोनों पक्षों के मध्य उक्त राजीनामे अनुसार लोक न्यायालय की भावना से प्रेरित होकर आपसी समझौता सम्पन्न हो गया है जिसके तहत प्रार्थी ने अप्रार्थी से फुल एण्ड फाईनल सेटलमेंट के बतौर कुल 25,000/-रु. जरिए चेक दि. 20-10-2000 प्राप्त कर ली है और तदुपरान्त अब दोनों पक्षों के मध्य कोई विवाद शेष नहीं रहा है, अतः

प्रस्तुतशुदा राजीनामे के अंतर पर उक्त निर्देश-विवाद को इसी प्रकार अधिनिर्णित किया जाता है जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

महेश चन्द्र भगवती, न्यायाधीश

नई दिल्ली, 13 दिसम्बर, 2000

का.अ. 16.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फिक्सट प्रा. लि., अरियालूर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशन करती है, जो केन्द्रीय सरकार को 12-12-2000 को प्राप्त हुआ था।

[सं.एल-29012/111/94-आई.आर. (विवाद.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th December, 2000

S.O. 16.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Fixit Pvt. Ltd., Ariyalur and their workmen, which was received by the Central Government on 12-12-2000.

[No. L-29012/111-IR(Misc.)]

B. M. DAVID, Under Secy

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT

#### INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, CHENNAI

Wednesday the 29th November, 2000

#### PRESENT:

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 28/2000

(In the matter of the dispute for adjudication under Section 10(1)(d) and Sub-section 2(A) of the Industrial Disputes Act, 1947 between the Workman and the Management of Fixit Pvt. Ltd., Ariyalur)

#### BETWEEN

The General Secretary,  
Tamil Nadu National Mine  
Workers Union,  
Ariyalur.

Claimant/I Party.

#### AND

The General Manager,  
Fixit Pvt. Ltd.,  
Ariyalur.

Management/II Party.

#### APPEARANCE:

For the Claimant : S/Shri D. Haripanthan, V. Ajay Khose, P. Vijendran, Advocates.

For the Management : M/s. T. S. Gopalan & Co., Advocates.

#### REFERENCE:

Order No. L-29012/111/94-IR(Misc.) dated 29-6-2000, Government of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 15-11-2000, upon perusing the reference Claim Statement, Counter Statement and other material papers on record, oral

and documentary evidence let in on either side and upon hearing the arguments of Sri D. Haripanthan, Counsel for the Claimant and Sri T. S. Gopalan, Counsel for the Management and this dispute having stood over till the date for consideration this Tribunal passed the following :—

#### AWARD

This reference by Central Government in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) in respect of dispute between Sri M. Periasamy, Workman and the General Manager, M/s. Fixit Pvt. Ltd., Ariyalur, Management mentioned as schedule appended to the order of reference.

The schedule reads as follows :

"Whether the action of the management of M/s. Fixit Pvt. Ltd. in retiring Sri M. Periasamy on superannuation w.e.f. 31-12-1991 is justified? If not, to what relief the concerned workman is entitled?"

On receipt of this reference, this Industrial Dispute has been taken on file of this Tribunal on 27-7-2000 as Industrial Dispute No. 28/2000. On receipt of the notice from this Tribunal, both the parties appeared with their respective counsel and filed their respective Claim Statement and Counter Statement.

1. The averments in the Claim Statement of the Claimant/I Party are briefly as follows :—

The First Party Union (hereinafter mentioned as the Union) is a Trade Union registered under the Trade Unions Act, 1926 and its Registration No. 337/DRI. It represents the cause and welfare of Mine Workers employed in various mines including the Second Party's mines. It commands substantial following. Majority of the workmen employed under the Second Party are members of the First Party Union. The Workman concerned, Mr. M. Periasamy was a Mine Worker under the Second Party Management and he was a member of the First Party Union. He is an illiterate. Except putting he does not know to read or write any language. At the time of joining, the Second Party did not obtain any documentary proof such as Birth Certificate, Horoscope etc. to determine his age/date of birth. It seems the Second Party themselves had entered the age of Mr. Periasamy to their whims and fancy merely based on his appearance. He was not issued with any service card/register after his entry into service. Further, he was also not put on notice in writing communicating about his age or date of birth till he was issued with a notice dated 6-11-91, by Second Party. By that notice, the Second Party informed Sri Periasamy that he would be retired from service w.e.f. 31-12-91 on the ground that he attained 58 years. On receipt of that notice, Sri M. Periasamy was put to shock since he did not attain the age of 58 years as on the date of issuance of the notice dated 6-11-91. Therefore, he sent a letter dated 16-11-91 through the First Party Union and categorically informed the Second Party that he did not attain the age of 58 years as alleged in the notice dated 6-11-91 and informed that his correct date of birth was 10-9-1937. It was further pointed out in that letter that the notice dated 6-11-91 was illegal and he also enclosed the birth certificate alongwith that letter. The Second Party Management informed the Union by their letter dated 25-11-91, that the basis for a fixing of the age of superannuation and retirement was the date of birth/age as declared at the time of appointment and as entered in the register of persons employed (Form 'B') and that therefore the age of Sri Periasamy could not be altered at any later period. The First Party Union by its letter dated 29-11-91 categorically replied that the contention of the Second Party in their letter dated 25-11-91 was untenable as it was contrary to the Certified Standing Orders. It was further stated in that letter that Form 'B' could not be taken as a conclusive proof for the date of birth and the action of the Second Party, retiring Sri Periasamy while he had documentary proof for his date of birth and when he had 4 years of service, was illegal. Since the Second Party did not give any reply to the said letter and did not come forward to continue the services of Sri Periasamy, based on the birth certificate produced by him, the First Party Union raised an Industrial Dispute before the Asst. Labour Commissioner (C) through their application dt 22-11-99. It was followed by



another application dt. 25-1-92. In the meantime, the First Party Union wrote a letter dated 30-12-91 to the Management and requested to provide the age particulars of their member Workmen including Sri M. Periasamy as found in the Form B register so as to taken necessary action. But, the Second Party Management refused to furnish the details as required by the Union. However, during the pendency of conciliation, the Second Party Management extended the services of Sri M. Periasamy for one year to upto 31-12-92. The Second Party Management filed their remarks dated 2-3-92 and reiterated the same stand that was taken in their letter dated 25-11-91. The First Party Union filed a detailed rejoinder dated 6-4-92 to the above remarks filed by the Second Party. The Second Party Management by a notice dated 16-12-93 informed that Sri M. Periasamy would be retired w.e.f. 31-12-93 as if he completed 60 years. The First Party Union wrote a letter dated 30-11-93 to the Second Party Management and informed them that the age of Sri M. Periasamy at the time of his joining was only 31 years and not 35 years as alleged by them and that he was only 34 at the time of extending his service and that the requirement of extending the services of Sri M. Periasamy would actually arise only in 1995 and that therefore, the actual need for extension of service by 2 years as per Clause 14 of the Certified Standing Orders would arise only in 1995. Thus, the First Party Union requested the Management to continue the services of Sri M. Periasamy, either based on the birth certificate produced by him, or by getting opinion from the competent Medical Board. It was further pointed out that resorting to premature termination without following the above course would amount to illegal retrenchment. The First Party Union raised an Industrial Dispute by their application dated 13-12-93 against the illegal and premature termination of Sri M. Periasamy. The Second Party Management filed their remarks dated 2-4-94 to which the First Party Union filed their Rejoinder dated 17-6-94. Since, the Conciliation Officer could not bring about any mediation, he submitted his Failure Report dated 27-7-94 to the Government of India. On receipt of the failure report, instead of referring the dispute for adjudication, the Government of India, by an order dated 11-4-95 declined to refer the dispute for adjudication, on the ground, that the dispute was raised by Union belatedly and that the Workman did not dispute the date of birth entered in Form 'B' register till he was served with the notice of retirement. Aggrieved by the above order, the First Party Union filed W.P. No. 13734/1995 seeking to quash the order of the Government of India dated 11-4-95. The said order was quashed by the Hon'ble High Court by its judgement dated 25-6-1999. Only thereafter the Government of India has referred the dispute for adjudication by this Hon'ble Tribunal. The action of the Second Party Management in retiring Sri M. Periasamy on superannuation w.e.f. 31-12-91 is wholly arbitrary, illegal and unjust. The age said to have been entered in Form 'B' register not the correct and actual age of Sri M. Periasamy. His birth certificate showing his correct date of birth and age, ought to have been taken by the Second Party as the correct date of birth. The entries said to have been made at the time of joining in the Form 'B' register, was not based on any legal, definite and acceptable documentary proof. Only the age has been entered in the Form 'B' register and not the date of birth. Therefore, the Form 'B' register cannot be taken as a valid, acceptable and conclusive proof or basis for determining the age or date of birth. The alleged entry in Form 'B' was not made based on the age recorded in Form 'O'. Therefore the entry cannot be taken as a basis or proof for determining the date of birth age. Before the notice of retirement dated 6-11-91, the concerned Workman was never put on notice in writing about his age or date of birth. The genuineness of the birth certificate issued by the competent department, produced by the Workman to the Management was not questioned by the Management. There is no prohibition or time limit in the Certified Standing Orders for seeking alteration of date of birth. There will be no prejudice to the Management in correcting the date of birth as per the birth certificate produced by Sri M. Periasamy. The action of the Respondent in superannuating him before he attained 60 years would amount to termination and it is a retrenchment within the meaning of Section 2(cc) of the IDA Act. Since, Superannuation had not been followed before effecting termination, the action of the Respondent is void ab initio. The Management has not followed the fair and reasonable procedure before terminating the services of Sri M. Periasamy and he has been terminated

in the manner not known to law. Therefore it is arbitrary and violative of Article 21 of the Constitution. When the Management had continued another Workman whose name was also Periasamy for 10 years after he was declared to be 60 years in the Medical Certificate, the action of management in terminating the services of M. Periasamy is discriminatory and arbitrary. Hence it is prayed that this Hon'ble Court may be pleased to pass an award holding that action of the Second Party Management in terminating the services of M. Periasamy w.e.f. 31-12-91 as unjustified and consequently direct the Second Party Management to reinstate Sri M. Periasamy into service, with continuity of service, backwages with all other attendant and consequential benefits with costs.

2. The averments in the Counter statement of the Second Party Management are merely as follows:—

The Petitioner Union is bound to establish that it has got membership from among large substantial section of the Workmen of the establishment, and that the General Body of the Workmen have authorised the Petitioner to raise this dispute. The Petitioner Union is put to strict proof of its representative character. The Respondent submits that there was no valid industrial dispute and therefore the order of reference itself is bad in law. Section 48 of the Mines Act provides that for every mines, there shall be kept in the prescribed form and place a register of persons employed in the mines showing in respect of each person, the name, the name of his father, age, sex, nature of employment, fitness certificate etc. Rule 77 of the Mines Act lays down that the Register required to be maintained under Section-48 shall be in Form B. One of the particulars to be mentioned in Form 'B' is the age of the Workman. The Respondent's establishment is covered under the Mines Act. The Respondent has been maintaining the Register in Form 'B' since 1968. As the register started in 1968 got exhausted and many entries had to be deleted, a fresh register was opened in the year 1976. In the year 1983, Form 'B' was revised and there a new register had to be opened. The new register in the revised format was opened in the year 1984. The name of the concerned Workman has been entered in Form 'B' Register and he has put his signature subscribing to the correctness of the particulars furnished by him. At the time of his appointment in 1968, the concerned Workman declared his age as 35 years and it was so recorded in the register maintained in the year 1968. The same was carried forward in the registers revised in the years 1976 and 1984. As per Form 'B' Register, the age of the concerned Workman was 35 years in the year 1968 and accordingly he had reached the age of 58 years in the year 1991 and he was to be retired on 31-12-1991. The Certified Standing Orders provide that every Workman shall retire on attaining the age of 58 years and between 57 and 58th year, the Company's Medical Officer would conduct a medical test of the Workman and if the Workman is found to be medically fit, he will be retained in service for a period of two more years beyond the age of 58 years, i.e. upto 60 years. As the concerned Workman was to retire on 31-12-1991, by a notice dated 6-11-1991, the concerned Workman was asked to appear for medical examination to enable the Respondent to consider him for extension. The Company's Medical Officer gave opinion that he was fit for one year. Accordingly, his employment was extended upto 31-12-1992. However, the Petitioner Union raised the issue before the Conciliation Officer contending that the Medical Officer could only consider whether the Workman was fit for extension and when once the Workman was declared medically fit, he was entitled to extension for two years. The Conciliation Officer also advised the Management to grant extension for one more year. Accordingly, the employment of the concerned Workman was extended upto 31-12-93. On 31-12-93, the concerned Workman was retired from service. The said retirement of the concerned Workman is perfectly valid and justified. After the Respondent's notice dated 6-11-1991 requiring the concerned Workman Periasamy to appear for medical examination, the Petitioner Union contested the age of the concerned Workman in Form 'B' Register and in support of its plea, purported to rely on a birth certificate issued by the Register of Births and Deaths, Ariyalur. The Respondent informed the Union that it cannot accept the said certificate and the said certificate would not be binding on it. The age declared by any Workman at the time of his appointment is entered in Form 'B' Register and the age so entered is not subject to alteration irrespective of whatever material the Workman may have to dispute the same. It is a condition of service in the Respondent's establishment that the age as entered in Form 'B' Register would

long be the criteria for determining the age of superannuation and that being so, it is not permissible for the Petitioner to seek alteration of the date of birth in Form 'B' Register, even assuming without admitting that the concerned Workman was entitled to seek alteration of the date of birth as entered in Form 'B' Register, he ought to have gone to the civil court and obtained a declaration and based on such a declaration he should have sought alteration of age. Inasmuch as the concerned Workman had submitted himself for medical examination in November 1991 and availed the benefit of extension, it is not permissible for the Petitioner to dispute the said age. Moreover, since the date entered in the Form 'B' Register was known to the concerned Workman and the Petitioner even as early as November 1991, they ought to have taken steps to establish the proof of his age at the appropriate courts and obtained an order. By not doing so, they cannot seek alteration of the date of birth merely to secure monetary benefit of employment for four years. As the cessation of employment of the concerned Workman was due to superannuation which was the efflux of time, there was no termination of employment. It is therefore submitted that the claim of the Petitioner should not be countenanced and the concerned Workman should not be granted any relief. It is therefore prayed that this Hon'ble Tribunal may be pleased to make an award rejecting the claim of the Petitioner.

3. When the matter was taken for enquiry, one witness for Management as MW1 has been examined. The exhibits 1 to M16 were marked. On the side of the Workman, two witnesses were examined as WW1 and WW2 and 6 documents were marked as Ex. W1 to Ex. W6. After the evidence on either side is closed, the counsel on either side advanced their respective arguments.

4. The Point for my consideration is :

"Whether the action of the management of M/s. Fixit Pvt. Ltd. in retiring Sri M. Periasamy on superannuation w.e.f. 31-12-1991 is justified? If not, to what relief the concerned Workman is entitled?"

Point : It is the first and the foremost contention of the management, Second Party in the Counter Statement that First Party Union is bound to establish that the General Body of the Union have authorised its General Secretary to raise the dispute, on behalf of the Workman, M. Periasamy. He further contention of the Second Party Management that there was no valid Industrial Dispute and, therefore, the reference is itself bad in law. Accordingly, the learned counsel for the Second Party Management also advanced his arguments that no credential has been produced by the First Party Union's authority to raise this dispute on behalf of the concerned Workman, Sri M. Periasamy and he would further contend that unless the Workman concerned authorises the Union, the dispute cannot be raised by the Union, on his behalf and further, either the General Body or the Executive Committee of the First Party Union must have passed a resolution authorising the Union General Secretary, the Petitioner, to raise this dispute. For this foremost objection by counsel for the Management, the learned counsel for the Petitioner, First Party Workman has replied that the Petitioner's failure to show that the Union has authorised him by a resolution passed by the General Body or the Executive Committee, to raise this Industrial Dispute on behalf of the Workman, Sri M. Periasamy cannot be the basis for this Tribunal to hold that the reference is not valid, bad in law as there was no valid Industrial Dispute. He would further contend that preliminary objection raised by the Management is trivial and in view of the decision of the Supreme Court as in *Madras High Court*, the preliminary objection raised by the Second Party, need not be considered as there is no valid Industrial Dispute and the reference itself is bad in law. He has quoted the judgement of the Supreme Court in a reported as 1983-II-LLJ, Page 429 between S. K. Verma Mahesh Chandra and Another and another case decided by the Madras High Court in Writ Petition No. 5846 of 1989 between B. Purushottaman and two others and the Management of Tanjore Textile Ltd. and the Presiding Officer, First Industrial Labour Court, Madras. In the cited Supreme Court the Hon'ble Supreme Court has held as follows :—

"There appears to be three preliminary objections which have become quite the fashion to be raised by all employers, particularly public sector corporations,

whenever an industrial dispute is referred to a tribunal for adjudication. One objection is that there is no industry, a second that there is no industrial dispute and the third that the Workman is not workman. It is a pity that when the Central Government, in all solemnity, refers an industrial dispute for adjudication, a public sector Corporation which is an instrumentality of the State, instead of welcoming a decision by the Tribunal on merits so as to absolve itself of any charge of being a bad employer or of victimization etc. should attempt to evade decision on merits by raising such objections and never thereby satisfied, carry the matter often times to the High Court and to the Supreme Court wasting public time and money. It is expected that public sector corporations to be model employers and model litigants. They are not expected to attempt to avoid adjudication or to indulge in luxurious litigation and drag workmen from Court to Court merely to vindicate, not justice, but some rigid technical stand taken by them. It is hoped that public sector Corporation will henceforth refrain from raising needless objections fighting needless litigation and adopting needless postures".

5. It is held by the Madras High Court in the above cited case that "After the introduction of Section 2A of the Act, the reference of the dispute with regard to the non-employment of the Workman to the Labour Court is competent and valid, even if the Petitioner fail to show that the Union, who projected their case, represented the substantial number of Workmen and that the Union was authorised to raise an Industrial Dispute". In that judgement, the Hon'ble High Court of Madras has followed the judgement of the division bench of that Court wherein it is held that "Even it is not sponsored by a Trade Union or a substantial number of Workmen, still such a dispute will be deemed to be an Industrial Dispute. There is no dispute that the demand was only that of the Workman dismissed. The reference cannot be held to be incompetent because it could be sustained as relating to individual Workman". The above decisions of the Supreme Court and the High Court of Madras, enable us to come to the conclusion that, the preliminary objection raised by the Respondent, Second Party Management as the reference is bad in law and that there is no valid Industrial Dispute and the arguments advanced by the learned counsel for the Second Party Management, to that effect, cannot be accepted as correct.

6. The basis for this Industrial Dispute is the notice dated 6-11-91, issued by the Second Party Management informing the employee, Sri M. Periasamy that he would be retired from service w.e.f. 31-12-91, on the ground that he attained 58 years. The office copy of that communication by the Management to the worker, Sri M. Periasamy is Ex. M4. In the Claim Statement, filed by the First Party Claimant, now before this Tribunal and in the earlier representation made by the General Secretary of the First Party Union, before the Asstt. Commissioner of Labour (C), Madras by a petition dated 22-12-91, the First Party Union has stated that the action of the Second Party Management, sought to be terminating the services of/in terminating the services of, M. Periasamy w.e.f. 31-12-91, is unjustified. The office copy of the said petition dated 22-12-91, raising as an Industrial Dispute by the General Secretary of the First Party Union, before the Asstt. Commissioner of Labour (C), Chennai is Ex. W4. In Ex. M4 itself, the Management has informed the Workman, Sri M. Periasamy, to attend for a medical check-up by Dr. T. Elilnilavan by 30-11-91. Before the date fixed for medical check-up i.e. 30-11-91, the General Secretary of the First Party Union has sent a letter dated 16-11-91 to the Management, enclosing a xerox copy of a birth certificate for a male child born on 10-9-37 to the couple Maruthan and Chennai of Kattupiringivam-Perivanagalur Village of Udavarpalayam, Taluk, Tiruchi Distt. That is marked as Ex. M5. For that letter of First Party Union, the Second Party Management has sent a reply dated 25-11-91, informing the General Secretary of the Union that the date of birth/age as declared at the date of appointment and as entered in the register of persons employed (Form 'B'), shall be the basis for arriving at the age of superannuation and retirement. It is further informed in that letter, that the age of an employee, as documented above, cannot be altered at any later period and that accordingly the retirement orders issued for

the above employee are quite in order and there is no error in that action. The copy of that reply dated 25-11-91 is Ex. M6. For this reply, the General Secretary of the First Party Union has sent a letter dated 29-11-91 to the Management. It is Ex. M7. In that letter, the General Secretary of the First Party Union has stated that the date of birth/age as declared at the time of appointment and as entered in the register of persons/employees (Form 'B'), shall not be the basis for arriving at the age of superannuation and retirement and that the age of the Workman might have been entered on the mere appearance and face look of the Workman, at the time of appointment. It is further stated in that letter that when the workman is able to prove his correct age by documentary evidence, the Management has no locus standi to split it out. Ex. M8 is the report of Medical Examination in Form 'O', given by the Medical Officer, who examined the Workman, M. Periasamy, Physically. It is dt. 30-12-91. In that Medical Examination Report, the Medical Officer has made a suggestion, stating that the employee, M. Periasamy may be permitted to work in the mines for one more year. It is admitted that the Workman, M. Periasamy was appointed by the Management in the year 1968, as an unskilled mine worker and he was working as such in Periyannagalur Limestone Mine of the Management under Token No. 292. Ex. M1 is the entries available in the Register of Employees at Periyannagalur Limestone Mines for the year ending 1968, with regard to S. No. 292, M. Periasamy. His Father's name is mentioned as Maruthan, Age is mentioned as 35 and the date of commencement of employment as 13-12-68 for which the employee has subscribed his signature in Tamil in Col. No. 9. The signature as Periasamy in Tamil, has not been denied by the employee himself who has been examined himself as WW1. He has admitted in his evidence that he joined the service of Fixit Pvt. Ltd. in their mines, as a worker, in the year 1968. He would say in his Chief Examination that when he joined the service in 1968, the Management has not asked him about his age. In the cross-examination, he would say that before he joined the service in 1968, he had no connection with this Management and that prior to his joining service in 1968, he did not have any known person from the Management and that prior to 1968, nobody in the management knew his father's name or his father. It is his further evidence that only after he joined service in 1968, the Management asked his father's name and noted in their records and his wife's name as Valliammai and that his village is Kuttuperingiyam, Mr. D. Iravathy, General Manager of M/s. Fixit Pvt. Ltd. has been examined as MW1. It is his evidence that they are maintaining Register of Employees, called as Form 'B' Register and the particulars of an employee, such as his name, his father's name, age, sex, nature of employment, fitness certificate, date of commencement of employment, date of termination, mark of identification, address and token number will be available in that Register. It is his further evidence that for the entries made in that Register, every Workman used to sign in that Register for the correctness of the particulars. Like that, the Workman, Sri M. Periasamy also has put his signature in that Register at the time of his appointment in the year 1968 and has declared his age as 35 years at that time and that the entries in the original register is Ex. M1. It is also his evidence that in 1976, a fresh register of employees was opened and in that register also the Workman, M. Periasamy has subscribed his signature for the correctness of his particulars, mentioned therein and it is Ex. M2. He would further say that again in 1985, as per the amended Act, a new register was opened for affixing the photograph for the Workman in Form 'B' register of the employee. The entries in that register of employees, under S. No. 26 and Token No. 292 refers to the employee, Sri M. Periasamy for which the employee Periasamy also has put his signature in Col. No. 16 and in that page, he also has put his signature as Manager since he was the Manager then. Those entries in the Register of Employees under S. No. 26 is marked as Ex. M3. A perusal of Ex. M1, M2 and M3 shows that the particulars in respect of unskilled mine worker, M. Periasamy, such as his father's name, age, nature of employment, address, date of commencement of employment, identification marks in the body, wife's name and address are all recorded and the signature of employee Periasamy also has been obtained. In the Ex. M3, the photograph of the employee also has been affixed. All these things are not disputed. These particulars such as the employee father's name, address, identification marks in the body, his wife's name could have been furnished, only by the

employee for making entries in these registers and not by anybody else other than himself. In all these exhibits M1 to M3, the date of commencement of employment has been shown as 13-12-1968. It is not disputed as a mistaken date. The employee as WW1 has stated in the cross-examination that he does not know anybody in the management prior to his joining service. Under such circumstances, all the particulars mentioned in these registers inclusive of his age at the time of his joining service could have been furnished by him only and not by anybody else. Further, in view of the materials available in these Exhibits M1 to M3, it cannot be said that the Management themselves have mentioned all those particulars, pertaining to this Workman without he furnishing the same to the Management and the Management themselves have fixed the age of the Workman approximately from the facial appearance of the Workman, as contended by the First Party Union.

7. Under Section 48 of Mines Act, 1952, Registers of Persons employed must be kept in the prescribed form with the particulars like the name of the employee with the name of his father or, of her husband, as the case may be and such other particulars as may be necessary for the purposes of identification, the age and sex of the employee, the nature of employment and the date of commencement thereof. As per that Section the relevant entry shall be authenticated by the signature of the thumb impression of the person concerned. As per this provision of law, Exhibits M1 to M3 particulars containing registers, have been maintained by the Second Party Management to comply with their statutory requirement. Under Rule 77 of that Act, the Register of Employees have to be maintained in Form 'B'. Complying with this statutory requirement, the Second Party Management has maintained these Register of Employees. Since the Workman, Periasamy has not dispute his signatures in the Ex. M1 to M3, which is nothing but in acceptance of the entries made therein, it cannot be said that those particulars were entered by the Management themselves, without his knowledge. On the other hand, it can easily be concluded that those entries in the Exhibits M1 to M3, including the age of the employee at the time of his joining service, were made only on the basis of his own declaration. Further, the General Secretary of the Union as WW2 has deposed, no other dispute except this, raised before, about the retirement of the Workman in this establishment and approximately about 40 Workmen might have been retired from service on attaining the age of superannuation and all of them were retired on the basis of the entries made in 'B' Register. From this admission of the General Secretary of the Union for the Mine Workers, it can be easily said that the 'B' Register, maintained by the Second Party Management as per the statutory requirement, as per Mines Act, 1952 is valid, reliable and can be acted upon.

8. It is admitted that though the Second Party Management has originally intimated the employee, M. Periasamy that he has to retire from service on 31-12-91, on the basis of Ex. M8, Medical Officer report that he may be permitted to work in the Mines for one more year. The Workman, Periasamy was informed under the original of Ex. M9 that he has been given extension of service for one year i.e. upto 31-12-92. From this it is seen that in view of the decision taken by the Management, subsequent to the Medical Report, Ex. M8, the earlier decision of the Management under the original of Ex. M4 to retire the employee, M. Periasamy from service on 31-12-91 was not enforced. The General Secretary of the Union as WW2 has admitted in his evidence that based on the medical opinion, the Management gave one year period extension of service to the Workman, Sri M. Periasamy and that till 31-12-92, he has not pursued the dispute and then again he raised the dispute that in view of the medical opinion that the Workman is physically fit, the extension of service for the Workman may be two years and not one year and the Conciliation Officer advised the Management to give two years extension and that both the parties accepted the advice and two years period extension, ended on 31-12-93 and the Second Party retained the Workman, Periasamy till 31-12-93. From this admission of WW2, the General Secretary of the Union that the First Party Union who raised the dispute got satisfied with the action of the Second Party Management for the extension of service of the employee, M. Periasamy by two years till 31-12-93. From all these things, it can be concluded that on the basis of the declaration of the age of the Workman at the time of his appointment in the year 1968 as 35 years of age, has been accepted as correct and hence the earlier

communication, under the original of Ex. M1 to the workman, M. Periasamy that he attained the age of 58 years and has to retire from service on 31-12-91, has been accepted and subsequently, he has been given two years of extension of service, subsequent to 31-12-91 to 31-12-93 as an accepted term between both the parties, in pursuance of the advice of the conciliating authority.

9. It is the evidence of WW2 that he again raised the dispute on 13-12-93, even before 31-12-93, the date on which, the two years extension of service given to Workman, M. Periasamy comes to an end. Exhibit W6 is a letter dt. 30-11-93, sent by WW1, the General Secretary of the First Party Union to the Second Party Management. In that letter the First Party Union has purposely omitted to mention the extension of service for two more years till 31-12-93 for the Workman, M. Periasamy on the accepted advice of the Conciliating Authority. But, the First Party Union has again contended in that letter that the date of birth of M. Periasamy was only 10-9-1937 and at the time of joining service, his age was about 31 years. For this contention, the First Party Union is relying upon the birth certificate issued by the Registration Department under Form No. 9, Ex. W3. It is the evidence of WW1 and WW2 that Ex. W3 is the birth certificate of Workman, M. Periasamy. WW1 further deposes that his date of birth is 10-9-1937 and he came to know about the same on seeing the palm leaf written horoscope, kept in their house and on that basis, he presented a petition in the Registrar's office, requesting him to issue a certificate for his date of birth and that they conducted an enquiry and issued him a certificate of birth, Ex. W3. It is also his contention, that his father has already registered his date of birth with the village Maniyakarai. Only for the first time, here in evidence, the Workman, M. Periasamy as WW1 has stated that on seeing the palm leaf written horoscope, kept in their house, he came to know his date of birth as 10-9-1937. It is his admission that he is an illiterate and he does not know even to read and write Tamil. Excepting his oral evidence, no evidence worth the credit is available to say that he has got a palm leaf horoscope in his house, denoting his date of birth. From this, it is seen that it is only his afterthought, to mention it as his evidence for his belated representation about the date of birth. Further, no material is available in this case as to how he understood the alleged palm leaf horoscope and concluded that it refers to his date of birth. If really, it is true, he would have definitely produced the same as a material evidence in support of his claim. The non-production of one such alleged document and the non-mention of the availability of that document earlier, creates a doubt about the version of the Workman, Periasamy on this aspect. Further a perusal of the Ex. W3 goes to show that the information mentioned therein, has been taken from the original record of birth register of Periyannalur, 1937. From this Ex. W3, it cannot be conclusively concluded that it refers to the Workman, M. Periasamy only and no other issue of the couple Maruthan and Chinni, in the absence of particulars as to when their other children were born. WW1 has admitted in his evidence that he has got a younger brother. Further, From Ex. W3 it cannot be said that it has been prepared by the department, subsequent to the enquiry conducted by them, as deposed by WW1. WW2 the General Secretary of the Union, admittedly, a practising advocate, has admitted in his evidence, that "When a party claims a right, on the basis of a document, against another party and the other party does not accept his right, the remedy available to the party who claims the right, under the civil law, is to approach the Civil Court for declaration of his right." Admittedly the First Party Union has raised this Industrial Dispute on behalf of the Workman M. Periasamy with regard to his age of superannuation on the basis of the birth certificate of that Workman. WW2 admits in cross-examination that when the Workman wants the Management to declare his right on the basis of a document and if the Management denies the same the Court has to declare his right and that between December 1991 and December 1993, he has not advised the Workman M. Periasamy to get a declaration by the Civil Court based on his birth certificate Ex. W3. In the absence of one such declaration by the Civil Court in respect of the date of birth of the Workman M. Periasamy, this Tribunal cannot go into the question of the validity of that birth certificate Ex. W3 and its binding nature and the right thereby accrued to the Workman, M. Periasamy.

10. MW1 the General Manager of the Second Party Management has clearly deposed in his evidence that, Ex. M15 is the entries in the Form 'B' Register of Employees, pertaining to the workman, A. Periasamy under Token No. 468 and that, he was allowed to work in the Company upto 31-12-92, on the basis of his declared age of 38 years on the date of his appointment, 1-12-1972. It is his further evidence that in the year 1981, the said A. Periasamy was referred to the Medical Officer for general medical check-up, who on examination submitted a report stating that the said workman, A. Periasamy appears to be more than 60 years of age and that even then, they allowed him to continue in service on the basis of his declared age, mentioned in Ex. M15, as per the policy of the Management. This evidence of MW1 has not been disputed. From all these things, it is clearly seen that the action taken by the Second Party Management against the Workman, M. Periasamy on the basis of his own declaration of his age at time of his appointment to retire him from service on 31-12-1991, on his attaining the age of 58 years and subsequently retired the workman from service on 31-12-1993 in pursuance of first on the basis of the medical report, Ex. M8 and subsequently, on the basis of the advice of the Conciliating Authority, is justified. From the materials available in this case as oral and documentary evidence, it is seen that the action of the Second Party Management is not a mala fide action, capricious, lacking in bonafide and an unjustified action without any basis. Under such circumstances, I am of the opinion that the action taken by the Second Party Management in retiring the employees at their age of superannuation, on the basis of their declared age mentioned in Form 'B' Register is correct and the said action cannot be interfered with. I further find that there is no scope at all to interfere with the action of the Second Party Management, taken against the workman, M. Periasamy in retiring him from service. Thus I answer the point accordingly.

11. In the result, I pass an award holding that the action of the Management, M/s. Fixit Pvt. Ltd. to retire Sri M. Periasamy, workman from service, on superannuation w.e.f. 31-12-91 is justified and the concerned workman is not entitled to any relief whatsoever. No cost.

Dictated to the Stenographer and typed by him direct and corrected and pronounced by me in the open court on this day, the 29th November, 2000.

K. KARTHIKEYAN, Presiding Officer

#### WITNESSES EXAMINED :

For Claimant/I Party: Sri M. Periasamy, WW1.  
Sri V. Lakshminpathy, WW2.  
For Management/II Party: Sri D. Iravathy.

#### DOCUMENTS MARKED :

For Claimant/I Party :  
Ex. W1 29-12-84 : Standing Orders.  
Ex. W2 10-09-86 : Appeal.  
Ex. W3 14-11-91 : Original of the Birth Certificate of the Petitioner.  
Ex. W4 22-12-91 : Office copy of the application sent by the I Party to ALC(C).  
Ex. W5 06-04-92 : Office copy of the rejoinder filed by the I Party Union.  
Ex. W6 30-11-93 : Office copy of the letter sent by the I Party Union to the II Party.  
For Management/II Party :  
Ex. M1 1968 : Particulars regarding M. Periasamy in the original register of employees, under S. No. 292.  
Ex. M2 1976 : Particulars regarding Sri M. Periasamy in the subsequent register of employees, under S. No. 292.  
Ex. M3 1985 : Particulars regarding Sri M. Periasamy in the new register of employers, under S. No. 26 and Token No. 292.

- Ex. M4 06-11-91: Letter from the Mines Manager Sri D. Iravathy to the employee Sri M. Periasamy (Office copy).
- Ex. M5 16-11-91: Letter (reply) from Sri M. Periasamy to the Management through Tamilnadu National Mine Workers Union.
- Ex. M6 25-11-91: Reply letter from the Mines Manager to the General Secretary, Tamilnadu National Mine Workers Union (Office copy).
- Ex. M7 29-11-91: Reply letter from the Union to the Management.
- Ex. M8 30-12-91: Medical report of Sri M. Periasamy.
- Ex. M9 30-12-91: Office copy of the letter from the Mines Manager to Sri M. Periasamy regarding extension of service for one year.
- Ex. M10 25-01-92: Copy of the petition raising Industrial Dispute before the ALC(C), Chennai.
- Ex. M11 02-03-92: Reply letter from the Mines Manager to the ALC(C), Chennai.
- Ex. M12 13-12-93: Xerox of the office copy of the Industrial Dispute raised before the ALC(C), Chennai.
- Ex. M13 02-04-94: Office copy of the reply letter from the Management to the ALC(C), Chennai.
- Ex. M14 11-04-95: Communication from the Ministry of Labour, Government of India to both the parties.
- Ex. M15 1985: Particulars regarding A. Periasamy in the new Form 'B' Register of employers, under S. No. 52 and Token No. 408.
- Ex. M16 24-12-81: Xerox copy of the medical Examination Report of the workman, Sri A. Periasamy.

नई दिल्ली, 13 दिसम्बर, 2000

का. आ. 17 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा दिये जाँके कॉम्प्लेक्स के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12 2000 को प्राप्त हुआ था।

[सं. एन-32011/12/90-आई एर (ई. ई. ए.)]

बी. एम. डेविड, सचिव

New Delhi, the 13th December, 2000

S.O. 17.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Haldia Dock Complex and their workmen, which was received by the Central Government on 11-12-2000.

[No. L-32011/12/90-IR(Misc.)]

B. M. DAVID, Under Secy.

# ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 12 of 1991

### PARTIES:

Employers in relation to the management of Haldia Dock-Complex.

### AND

Their Workmen.

### PRESENT:

Mr. Justice B. P. Sharma, Presiding Officer.

### APPEARANCES:

On behalf of Management: Mr. J. Ghosh Dastider, Jr. Asstt. Manager.

On behalf of Workmen: Mr. T. B. Roy, Vice-President of the Union.

STATE: West Bengal.

INDUSTRY: Port and Dock.

### AWARD

By Order No. L-32011/12/90-IR(Misc.) dated 04-04-1991 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Haldia Dock Complex in allowing promotion by conferring the over-riding seniority to the Shore Crews (Marine Band) who were treated as Calcutta based working at Haldia and later absorbed in Haldia Dock Complex against regular vacancies with effect from 25th September, 1989 than the following employees who were recruited in Haldia and absorbed against regular vacancies in Haldia Dock Complex from the dates shown against each employee is justified or not? If not, to what relief the concerned workmen are entitled to?"

Sl No	Name of the employee	Date when absorbed against regular vacancies in HDC
1	Jalaluddin Khan	19-8-78
2	Madnu Siddique	28-9-78
3	Golam Nabi	29-9-78
4	Bibhuti Bhuan Maity	18-9-81
5	Debesh Das	18-9-81
6	Sh. Ismail	18-9-81

2 It appears that originally the dispute was raised on behalf of 7 workmen represented by Calcutta Port Shramik Union. It appears that initially one industrial dispute was raised date of reference it appears that one had died and therefore the reference is in respect of 6 persons only. Now it has come in evidence that 2 of such persons have already retired from service and one has died. Therefore, only 3 persons remained to be considered as the affected or concerned workmen.

3 From the statement of claim filed on behalf of the union it appears that initially one industrial dispute was raised by this union in the year 1978 and conciliation proceeding was held before the Assistant Labour Commissioner (Central), Calcutta and several sittings were held. However, the dispute was settled amicably and a memorandum of settlement was entered into on 26-12-1978 which was a tripartite one. According to the said settlement, the relevant provisions were as follows:—

(1) Posts under the Haldia Dock Complex will not be filled from other sources without first absorbing Haldia Dock Project Employees.

- (2) For similar posts in the Complex, the project employees would be absorbed horizontally by issuing offers of absorption to them for such posts.
- (3) In case of posts in the Project which are not identical to the posts in the Complex but considered more or less similar, letters offering absorption would also be issued to the concerned project employees for their absorption in the Complex.
- (4) In respect of those project employees who can be considered for absorption in the Complex against suitable posts having regard to their aptitude and skill for working against those posts shall also be absorbed in the Complex after completing successfully short in service training.
- (5) The inter-se seniority of employees absorbed horizontally will be the same as under the Project. The cases of those who are absorbed on different dates will be decided upon in consultation with the union, failing which the union is free to raise the dispute afresh.
- (6) This settlement shall be implemented in full within one year to be reckoned from the date of this settlement and the parties shall send their implementation report to the Regional Labour Commissioner (Central), Calcutta within 30 days thereafter.

In view of the said terms of settlement, the posts under Haldia Dock Complex were not to be filled up from other sources without first absorbing Haldia Dock Project employees and for similar posts in the Complex, the project employees were to be absorbed horizontally by issuing offer of absorption to them and the inter-se seniority of employees absorbed horizontally was to be the same as under the project and it was further decided that this settlement shall be implemented in full within one year.

It is further stated that the commissioning of the Haldia Dock Complex took place in the year 1977. Quite a number of marine crews were deployed to work at Haldia from Calcutta Port Trust treating them as Calcutta based marine crews and such Calcutta based marine crews were being paid extra remuneration while working in Haldia Dock Complex. However, another set of marine crews were already working at Haldia since prior to commissioning of the Complex as Haldia Project employees and they were also regularly absorbed against regular vacancies as Marine Hands (Shore Crews). They were employed in the Marine Division of Haldia Dock Complex and were treated as Haldia based Marine Crew and were not paid any extra remuneration like Calcutta based Marine Crews. Those Marine Crews, who were originally the employees of the Project and were subsequently absorbed against regular vacancies in Haldia Dock Complex since 1978, were given designation as Marine Hands. It is also stated that in terms of the tripartite settlement inter-se seniority of project employees those who were absorbed in the Complex against regular vacancies was to be counted from the date of their original appointment in the Project.

It is further stated that due to disbandment of two Mooring Crews and decommissioning of two of the Neave-up Boats and four Hawser Boats and also disbandment of one Reliving Crew, a large number of Marine Crews attached to the said Boats in the Mooring Section of the Calcutta Port Trust were declared excess to the requirement in the year 1975. Accordingly, there was much discontentment among the surplus crew members at Calcutta and the union took up the issue with the Port Administration. So, Assistant Labour Commissioner (Central), Calcutta held discussions on 7-6-76 in the chamber of the Labour Minister, Government of West Bengal, in presence of the Chairman, Calcutta Port Trust and it was decided that the concerned employees would be declared surplus to the requirement, no doubt, but would go on the basis of last come first go from their respective units. It was also decided that they would be posted as far as possible to other units and sections as per actual requirement where the conditions of work was commensurate with their skill and experience. In this connection circulars were issued on 13-7-1978 and 6-7-1978 by the Director, Marine Department, Calcutta Port Trust.

It is further stated that the above mentioned surplus marine personnel at Calcutta were transferred to Haldia Dock Complex and they were absorbed in regular vacancies of Marine Hands in the Marine Division of Haldia Dock Complex and their seniority was counted from the date of their absorption in regular vacancies of Marine Hands in the Haldia Dock Complex. The special remuneration being paid to them was stopped and they were treated as regular employees of the Haldia Dock Complex with effect from 25-9-1989. It is further stated that the six concerned employees were originally project employees and were adjusted against regular vacancies of Marine Hands on different dates shown against their names and thus they were senior to those employees who were adjusted in the regular vacancies on 25-9-89. It is further stated that the Manager (P&IR), Haldia Dock Complex published a seniority list showing the Calcutta-based Marine Crews adjusted in Haldia Dock Complex on 25-9-89 as senior to the employees who were adjusted earlier i.e. in 1978 and 1981 and subsequently they were also promoted to the next higher scale superseding these six persons. Accordingly, the union has challenged the action of the management in this regard as highly illegal and arbitrary and the matter was referred to the Assistant Labour Commissioner (Central), Calcutta and conciliation proceeding was also started, but ended in failure and ultimately the matter was referred to the Central Government which sent the matter to this Tribunal for adjudication. In this connection it is stated that the six concerned workmen were absorbed in regular vacancies in Haldia Dock Complex with effect from the dates as mentioned against their names and thus they had become the regular employees of the Haldia Dock Complex on those dates.

It is further stated that as per tripartite settlement made on 26-12-1978 the seniority of the project employees who were absorbed in regular vacancies was to be counted from the date of their original appointment in the Haldia Dock Project and so the seniority of these six persons should have been counted from the date of their original appointment at Haldia Dock Project and not from the date of their absorption in regular cadre. It is also stated that the persons belonging to Calcutta Port Trust were absorbed in Haldia Dock Complex on 25-9-1989 and since after their absorption, their special remuneration was stopped. So, they became the regular employees of Haldia Dock Complex as Marine Hands from 25-9-1989. Accordingly, the union has claimed that these six concerned workmen have their seniority over the employees originally belonging to Calcutta Port Trust and subsequently absorbed in the Haldia Dock Complex. It is further submitted that the seniority of these six concerned workmen has been adversely affected due to illegal and arbitrary action of the Manager (P&IR) of the Haldia Dock Complex. Prayer has been, accordingly, made to strike down the said seniority list and to declare the aforesaid six workmen as seniors to others.

4. In their written statement, the management, apart from denying the allegations of the union in the statement of claim, excepting for the matters of record, have stated that in February, 1977 Haldia Dock Complex was commissioned and at that time to facilitate marine operations under the Marine Operations Division, Haldia Dock Complex, a good number of crew members from different units or Marine Department of Calcutta Port Trust were transferred to Haldia from Calcutta for their posting and work at Haldia. During that period, large number of crew members were in excess to the requirement under the Calcutta Establishment of Calcutta Port Trust and since option was available at Haldia, instead of declaring all of them as officially surplus, a group of crew members were transferred to Haldia. It was done after prolonged discussions with the union. In doing so, the intention of the Calcutta Port Trust was to accommodate those employees who were likely to be declared surplus by giving them opportunity of being absorbed in the Haldia Project. Accordingly, many employees were transferred to Haldia and they were subsequently absorbed in the Haldia Dock Complex on its commissioning. It is also stated that some more shore crew members were inducted under the Marine Division, Haldia Dock Complex. While one set of crews were horizontally adjusted from the erstwhile project establishment in a resolution of June, 1979, the other set of crews who were recruited from the lower categories of departmental candidates of various divisions of Haldia Dock Complex. It is further stated that in 1980-1981 the



crew members, who were transferred from Calcutta to Haldia, raised an industrial dispute before the Assistant Labour Commissioner (Central), Calcutta claiming that they were Calcutta employees and were employed to work beyond Budge Budge, they were entitled to get 25 per cent extra consolidated payment. This issue was raised both by Calcutta Port Shramik Union (Hind Mazdoor Sabha) the present union, Calcutta Port and Shore Mazdoor Union (C.I.T.U.). However, on failure of conciliation proceeding, the issue was ultimately referred to the Central Government Industrial Tribunal, Calcutta as Reference No. 88 of 1980 and an Award was made by the said Tribunal by which it was directed that the concerned employees under shore crew unit working at Haldia would be entitled to 25 per cent extra remuneration on the ground of their having lien at Calcutta. It is also satisfied that in the meanwhile due to exigency of work, filling up of certain leave vacancies or temporary promotional vacancies it was necessary to determine inter-se seniority of those employees who were transferred from different units of Calcutta having their separate seniority list. Accordingly, a provisional seniority list was published on 15-4-1980 and it was finally published on 24-3-1983. This list finalised and decided the inter-se seniority of all categories of employees absorbed in a single cadre. It is further stated that at any point of time during the publication of the seniority list, no objection, whatsoever, was raised on behalf of the union or the employees concerned and accordingly after the finalisation of the seniority list, certain temporary officiating promotions were also made. It is further stated that the crew members transferred from Calcutta establishment though working at Haldia on regular basis were originally being paid 25 per cent consolidated overtime which was on the basis of the Award of the Tribunal in Reference No. 88 of 1980; it was stopped after their absorption in the Haldia Dock Complex.

It is also further stated that in 1985 a tripartite settlement dated 19-8-1985 was reached between the union and the management regarding promotion of marine crew members, both at Calcutta establishment and at Haldia Dock Complex. When this settlement was arrived at, Calcutta Port and Shore Mazdoor Union was also a party to it. But, however, the settlement could not be implemented at Haldia as the aforesaid two unions demanded certain benefits for Haldia Shore Crew Members who were transferred from Calcutta and accordingly Calcutta Port and Shore Mazdoor Union raised an industrial dispute before the Assistant Labour Commissioner (Central), Calcutta in December, 1988 stating that the tripartite settlement regarding 1 : 1 ratio promotion of the shore crew members at Haldia should be implemented at the earliest. The conciliation proceeding ended in an agreement that the issue would be resolved bilaterally. Thereafter, the matter was discussed between the management and the union as well as the union at Calcutta and a tripartite settlement for 1 : 1 ratio promotion of shore crew members was arrived at. It is further stated that some of the crew members, who were inducted from Calcutta establishment, exercised their option to go back to their original post at Calcutta and the remaining crew members of the Calcutta establishment were adjusted in the Haldia Dock Complex. So, the management took action for implementation of 1 : 1 ratio promotion of the shore crew members on the basis of the final seniority list published in 1983. It is further stated that as per the aforesaid final seniority list of 1983, the names of the aforesaid six workmen concerned in the reference come at the bottom of the seniority list and therefore they were not eligible for promotion to the higher post and there was no question of their supersession in the matter of promotion.

5. In course of evidence, two witnesses have been examined on behalf of the union and one has been examined for the management. WW-1, Md. Siddique is one of the effected workman. He has stated that he was appointed in Haldia Dock Project in 1968 as a Lascar and the Haldia Dock Project was subsequently renamed as Haldia Dock Complex in 1978. According to him there was some dispute over their appointment and there was a meeting with the management and an agreement was arrived at. He further stated that he heard while working in Haldia Dock Complex that in 1978 many marine crew members were declared surplus and a circular was issued by the Director, Marine Department, Calcutta Port Trust declaring them as surplus. He

has also stated that the seniority list prepared by the Manager (P & I.R.) of Haldia Dock Complex was never hunged on the board. He also stated that on 15-7-1980 he had filed an application regarding his seniority and proved his signature on the document Fxt. W-1. This document is an application purported to have been filed on 15-7-1980 and signed by four persons including this witness. But, however, in his cross-examination he claimed that he could prove that he filed petition, but he did not produce any evidence to this effect. He has also further stated that he alongwith others had filed another petition on 18-7-1980, marked Fxt W-2 and he claimed that he could prove that he filed the application. But there is no evidence available to the effect. In his cross-examination he has stated that he did not know that on 15-4-1980 a provisional seniority list was published. He also admits that the list is required to be hung-up on the board, but according to him, it was not so done. He also further stated that he does not know whether the final seniority list was published on 24-3-1983, but he admits that the final list was hunged up on the board and he also admitted that his name appeared at Serial No. 48 in the seniority list and some of the persons whose names appeared before him were also promoted.

WW-2 is Bibhuti Bhusan Maity. He has stated that he joined Haldia Dock Complex in 1981, but he was in the Haldia Dock Project since 1-3-1966. He has also stated that there was another establishment at Calcutta and in 1975 there were some surplus employees in the said establishment at Calcutta who were transferred to Haldia and were also absorbed in the Haldia Dock Complex. However, it is important to note that this witness was examined on 10-7-1995, but he was not cross-examined as he could not be produced later for cross-examination and therefore his evidence is not fit to be considered.

6. So far as the management is concerned, MW-1, Sahyasachi Sengupta who happens to be the Assistant Manager (P&IR) at Haldia Dock Complex of Calcutta Port Trust has been examined for management. He has stated that in 1983 seniority list was finally published and the six workmen involved were junior to the Calcutta based Marine Crews adjusted in the Haldia Dock Complex. So, their names appeared at the bottom of the list. He has stated that the personnel of Calcutta Port Trust aforesaid, were adjusted in the Haldia Dock Complex in 1977 and in the seniority list published in 1983 they were shown senior as their entire service was taken into consideration. He has denied that the six workmen concerned were senior to those persons who were transferred from Calcutta to Haldia and were absorbed in the Haldia Dock Complex. This witness has not even been cross-examined on behalf of the union as no one was present to represent the union and the witness was accordingly discharged. It is, therefore, clear that whatever this witness has stated is uncontroverted and unchallenged.

7. The whole confusion appears to have cropped up on the assumption that the services of these six concerned employees should be considered from the dates of their appointment, whereas the services of the employees coming from Calcutta to Haldia should be treated from the dates of their absorption in the Haldia Dock Complex. But, this assumption is erroneous. In the agreement between the management and the union, it was made clear that all the persons being absorbed in the Haldia Dock Complex shall be given their seniority considering their previous service. Therefore, there does not appear to be any reason that the claims of these employees were illegally or arbitrarily ignored by the management while publishing the seniority list. In this connection it has also been contended on behalf of the management that the purpose of publishing a draft seniority list was to give opportunity to the effected persons to represent their cases and since no such representation was received either from the individuals or from the union, the seniority list was finally published in 1983 and the present dispute was raised much later after several years. Therefore, the plea taken on behalf of the workmen concerned appears to be an afterthought.

8. Considering the entire circumstances of the case, I arrive at the conclusion that there is no merit in the claim of the union in the present reference and the reference, therefore, has to be decided against the union. The reference is accordingly decided and it is held that the action of the

management of Haldia Dock Complex in allowing promotion by conferring the overriding seniority to the Shore Crews (Marine Hands) who were treated as Calcutta based working at Haldia and later absorbed in Haldia Dock Complex against regular vacancies with effect from 25-9-1989 than the employees mentioned in the schedule of reference, who were recruited in Haldia and absorbed against regular vacancies in Haldia Dock Complex from the dates shown against each employee is justified. The concerned workmen, accordingly, shall not be entitled to any relief.

Dated, Calcutta,

The 29th November, 2000.

B. P. SHARMA, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2000

का.प्र. 18.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2000 को प्राप्त हुआ था।

[सं. एल-42011/3/2000-(डी. यू.)]

एन. पी. केशवन, डस्क अधिकारी

New Delhi, the 18th December, 2000

S.O. 18.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 18th December, 2000.

[No. L 42011/3/2000-DU]

N. P. KESHVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Presiding Officer : Rudresh Kumar  
ADJUDICATION

#### BETWEEN

Shyam Narain  
S/o Sri Badloo Kharetha  
Aishbagh, Lucknow

#### AND

Executive Engineer (Elect., Coord.)  
Central Electrical Division  
Central Public Works Deptt.  
G.S.I. Campus, Aliganj,  
Lucknow

By reference No. L-42011/3/2000-IR(DU) dated 15-3-2000, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) of Section 10 of I.D. Act, 1947 made over this industrial dispute between Shyam Narain S/o Sri Badloo and Executive Engineer (Elect Coord.), Central Electric Division, Central Public Works Deptt., Lucknow for adjudication. The reference is reproduced as under :

“Whether the action of Central Public Work Deptt., in not promoting Shyam Narain, Khalasi to the post of Wireman is legal and justified ? If not, to what relief the workman is entitled ?”

1. Shyam Narain, a Khalasi, was appointed on 4-8-86. His work and behaviour had always been good. He was senior to Gulab Chand Misra, also a Khalasi, working with the management who was promoted as Asstt. Wireman, ignoring his claim. Grievance of the workman is that denial of promotion to him in preference to his junior is arbitrary and against rules. It is also averred in the claim statement that post of Asstt Wireman has since been redesignated as ‘Wireman’ from 18-4-1995 and he is entitled to the said post with back wages and interest on the arrears.

2. Management has not denied facts of the case Mr. M. L. Rora, Executive Engineer, who appeared in person, admitted that two employees Gopal Bahadur and Gulab Chandra Misra were promoted on the post of Asstt. Wireman. Gulab Chand Misra was junior to the workman. This fact came to notice and the promotions were reviewed. Both the promotees were reverted. Aggrieved by reversion, they approached Central Administrative Tribunal, Allahabad. The said Tribunal by order dated 27-2-1997 stayed their reversion and ordered to maintain status quo. According to the management the revertees are still working as Wireman on the basis of interim order of the Central Administrative Tribunal.

3. Thus, the facts : that the workman was senior to Gulab Chand Misra, and his non-consideration on promotional post of Asstt. Wireman, are not denied. Management has not pleaded that the workman was otherwise disqualified on the ground of unsuitability. It is informed by Mr. Rora that the mistake occurred inadvertantly, and it was not with a view to cause loss to anyone. When these irregularities came to notice, redressal measure were taken by reverting the promotees. He also pointed out that the revertees are holding the post of Wireman, consequent upon the interim order of the Central Administrative Tribunal, Allahabad and also on redesignation of the post of ‘Asstt. Wireman’ to Wireman.

4. Thus, on the basis of admitted facts, the workman was eligible and entitled to the post of



Asstt. Wireman on the date, his junior Gulab Chand Misra was promoted and in all fairness in preference to him. His non-consideration, was, definitely a serious lapse on the part of the management. The management recognised this mistake and reverted the promotees, but no evidence is given that the workman was considered for promotion at the time of reversion. Posts of Asstt. Wireman were also available. Action of the management, thus, can not be justified because reversion orders were passed, without considering promotion of the workman. The contention of the management, that the revertees are holding promotion post on account of interim order of the Central Administrative Tribunal, in their favour is also not correct. The Tribunal ordered to maintain status quo but not to treat them wireman, a higher post in higher scale. The management should have treated them Asstt. Wireman, notionally, and should have paid the last salary of the said post. By treating them 'Wireman' in higher scale, the management acted arbitrarily without realising the consequential loss to the workman and those similarly situated. Management filed copies of orders dated 7-11-2000, showing rectification of this mistake. Rectification of mistake by the management, however, does not give relief to the workman whose due promotion was denied unjustly since 8-4-95, causing loss of benefits arising on redesignation of the post of Asstt. Wireman to Wireman.

5. In the circumstances, the action of the management in non-considering promotion of the workman from the date his junior was promoted, was unjustified and illegal. The workman, being senior to Gulab Chand Misra is entitled to promotion on the post of Asstt. Wireman from 18-4-1995 and further, on the post of wireman, consequent upon redesignation of the posts.

Thus, in the facts and circumstances of the case, the award is as follow :

A—that the workman Shyam Narain is entitled to promotion as Asstt. Wireman from 18-4-1995;

B—that consequent upon merger of the semi skilled and skilled posts, he is entitled to the post of Wireman in Group 'C'; from the date of the order became effective ; and

C—that the workman, is, also entitled to difference of wages from 18-4-1995 as per relevant rules.

Lucknow

27-11-2000

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2000

का. आ. 19.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. सी. सी. एल. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण श्रम मंत्रालय हैदराबाद के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2000 को प्राप्त हुआ था।

[स. एल-22012/334/89-(सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 18th December, 2000

S.O. 19.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 18-12-2000.

[No. L-22012/334/89-IR(C-II)]

N. P. KESHVAN, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

#### PRESENT:

Sri Syed Abdullah, B.Sc., B.L., Industrial Tribunal-I.  
Dated: 24th day of October, 2000

Industrial Dispute No. 22 of 1990

#### BETWEEN

The Workman of Singareni Collieries  
Company Limited,  
Kothagudem,  
Khammam District (A.P.)

.. Petitioner

#### AND

The Management of Singareni Collieries  
Company Limited,  
Kothagudem,  
Khammam District (A.P.)

.. Respondent

#### APPEARANCES:

M/s. G. Vidya Sagar and P. Sudheer Rao, Advocates  
for the Petitioner.

M/s. K. Srinivasa Murthy and Vijaya Sekhar Reddy,  
Advocates, for the Respondent.

#### AWARD

On a reference from the Government of India, Ministry of Labour in its Order No. L-22012(334)/89-IR(C.II), dt. 30-3-1990 for adjudication of the dispute by this Tribunal as to the justification of the Management of M/s. Singareni Collieries Company Limited, Kothagudem in dismissing Sri Nalla Krishna General Mazdoor from service with effect from 22-2-1989, this Tribunal registered the case as I.D. No. 22/90 and proceeded with the enquiry.

2. By an order dt. 19-8-1991, the then chairman of this Tribunal upheld the validity of the domestic enquiry conducted by the Management and further ordered to proceed with the enquiry to consider the proportionality of the punishment imposed on the workman keeping in view of the Section 11-A of I.D. Act, 1947. Pursuant thereto, the successor chairman of this Tribunal passed an award dt. 17-7-1993 and set aside the impugned order of removal passed

by the Management removing the workman from service and thereby ordered his reinstatement.

3. Aggrieved by the award dt. 17-7-1993 passed in I.D. No. 22/90 setting aside the punishment of removal imposed by the management and ordering reinstatement, the management filed a Writ Petition vide W.P. No. 19565/93 for considering the validity of the Award passed.

4. The Hon'ble High Court after considering the factual aspects and evidence on record, observed that there is hardly any analysis, appreciation of the evidence or reasons worth the entire record to justify the conclusions arrived at by the Tribunal that the order of dismissal imposed in the disciplinary proceedings is wholly arbitrary and mala fide, consequently the case was remanded to this Tribunal directing to consider the reference dt. 30-3-1990 afresh. Further it was directed to consider the correctness of the departmental proceedings on the premises that the same are valid which was upheld by the Tribunal in its order dt. 19-8-1991 and thereby to consider whether the conclusions and findings of the disciplinary proceedings are correct or not and whether the punishment of dismissal imposed on the workman is proper as to the gravity of the allegation alleged and found proved.

5. The points for adjudication are

- (1) Whether the findings and conclusions made in disciplinary proceedings are correct or not?
- (2) Whether the quantum of punishment is proportionate to the gravity of the charge levelled and proved against the workman?

6. In order to prove and establish the charge levelled against the workman, the Management has filed Ex. M1 to M15. The charge levelled against the workman was that on 12-8-1987 the workman Shri N. Krishna has abused Sri Y. Nagabhushanam in vulgar language and manhandled him and his act of omission amounts to indiscipline as per company's standing order 16(5). The workman was directed to submit his explanation within 3 days from the date of receipt of the charge sheet by him for which he submitted his explanation vide his letter dt. 29-8-87 in which he denied the charges levelled against him. So an enquiry was held against him. In the course of domestic enquiry, the Enquiry Officer had recorded the evidence of Y. Nagabhushanam, Jayarami Reddy, J. V. S. Shankarmohan permitting the delinquent to cross-examine the witnesses. Further the evidence of delinquent N. Krishna was also recorded.

7. Briefly stated in the gist of the evidence is as under: Sri Y. Nagabhushanam, Acting Rigman stated before the Enquiry Officer that on 12-8-1987 he was working in the first shift at drill No. 22 HD No. 2. The first shift commences from 7.30 A.M. to 3.30 P.M. and on that day i.e. on 12-8-87 except N. Krishna (delinquent), all other mazdoors P. V. Subba Raju, B. Jayaram Reddy and K. Raju attended the duty in time. Rampassi, Acting Rigman had directly gone to the G.M.'s Office from the Camp Office. He booked the musters of those workmen came on duty except Krishna delinquent. Subsequently at about 8.00 A.M. N. Krishna (delinquent) attended the duty and to whom he (the witness) questioned him (Krishna) why he was late for duty, for which he replied in vulgar language and for that he (witness) told him, being an educated person it is not proper to use vulgar language. Thereafter while he was looking into the reports sitting inside the shed, N. Krishna all the while standing outside came inside and beat him on his chest. In the meanwhile the other workers B. Jayaram Reddy, K. Raju D. Narasimha Rao and some casual labour came inside and separated both of them. So on the same day he gave a complaint against N. Krishna to the Area Camp Incharge (Geologist). The Area Camp Incharge did not allow Krishna to attend for duty and marked him absent at 9.30 A.M. This witness was cross examined by suggesting that he (witness) had demanded the delinquent Rs. 50 on 11-8-1987 and the witness stated that N. Krishna was making this false charge as he gave a complaint against N. Krishna and further he cited interested mazdoors to whom he has been marking their musters eventhough they attend to duty late now and then.

8. Similarly B. Jayaram Reddy, General Mazdoor in his statement before the Enquiry Officer stated that on 12-8-1987 in his duty hours at about 8.00 A.M. N. Krishna attended

the duty for which Nagabhushanam, Acting Rigman asked him why he attended late and on that N. Krishna (delinquent) used vulgar language against him. Further when he asked him not to talk vulgarly, N. Krishna went upon Sri Nagabhushanam and beat him on the chest. Then he (witness) along with K. Raju, D. Narasimha Rao, 2 cartmen and who were present, separated both of them. In the cross examination this witness was suggested that he bore grudge against him and with his support, a false case is foisted, which suggestion was denied.

9. As against the above evidence on the side of the management, N. Krishna (delinquent) also gave statement stating that on 12-8-87 he attended duty at the Drill site at about 7.30 A.M. itself and at that time only 3 Cartmen namely Deen Dayal, Manoj and Jagadish were present. After parking his cycle in the shed, he went outside to answer the call of nature and returned at 8.00 A.M. to the Drill Site and in the meanwhile Y. Nagabhushanam came and he was booking musters to whom he asked him to book his muster in the attendance register and for that he was told that he will not book his muster since he was late. He did not hear him eventhough he told him that attended the duty at 7.30 A.M. far earlier to the arrival of him and others and that he went to attend calls of nature. He further stated that Nagabhushanam stated that he will not book his muster and exhorted him to report to whomsoever he likes. He waited there only upto 10.15 A.M. till the arrival of Krishnam, Geologist and Camp Incharge to whom Sri Nagabhushanam falsely complained that he beat him and on that he made enquiries with Subba Raju, Mazdoor who was there replied that he is not aware of the incident. After making enquiry and on the advice of Nagabhushanam he was marked absent in the register and initialled by Sri Krishnaiah, N. Krishna (delinquent) was allowed to be cross-examined by Nagabhushanam and he was suggested that whether he is examining the above named 3 cartmen as witnesses to prove that he attended for duty at 7.30 A.M. for which he expressed his inability to produce his witnesses. Further he was suggested that he did not produce those witnesses as those three cartmen refuse to support of false stand of his attending duty at 7.30 A.M. During cross-examination the delinquent further asserted that on 12-8-87 except himself, all others came late 8.30 A.M.

10. Basing on the evidence of 2 witnesses and the delinquent the Enquiry Officer gave his findings accepting the version of Y. Nagabhushanam as to the fact that N. Krishna (delinquent) had abused him and also beat him and the suggestion of the delinquent as to the alleged demand of Rs. 50 by Nagabhushanam on 11-8-87 was rejected as an after thought and apart from it in the statement given by N. Krishna, there are contradictions such as that he gave suggestion to Y. Nagabhushanam that only two cartmen were present whereas in the suggestion given to Jayarami Reddy as three cartmen were present and so also about arrival of other workers at 8.00 A.M. and 8.30 A.M. The Enquiry Officer's findings are that the evidence of Nagabhushanam was corroborated by the witness Jayarami Reddy and so he is satisfied that N. Krishna delinquent had abused victim in vulgar language and also man-handled him and thereby he is guilty of the act of misconduct under Company's Standing Order 16(5).

11. The Hon'ble High Court while remanding the matter on 23-2-2000 has directed this Tribunal to consider whether the findings of the Enquiry Officer are correct or not.

12. The allegation made against the delinquent either in departmental enquiry or in other enquiries are to be proved by the prosecution. The delinquent is deemed to be innocent until the charge is proved. The prosecution has to stand or fall on its own legs but not on the lapses or innocence of a delinquent person. But, while appreciating the evidence, the Enquiry Officer or Presiding Officer has to separate the grain from the chaff to arrive at the truth. The delinquent was given an opportunity to cross examine the complainant and as well the witness who supported the case. They were put to cross examination by the delinquent himself by giving suggestions to them. The suggestions given to the witnesses in the Cross-examination will play a vital role in deciding the case. The motive attributed to the complainant is that he demanded Rs. 50 and since he has not obliged it, he foisted a false complaint against N. Krishna

(Delinquent). The person making such allegation is required to establish for what purpose such an illegal demand was made by his superior and the circumstance under which it was demanded. Unless these aspects are established the suggestion would become insignificant, which the delinquent failed to establish it and his suggestions paled into insignificance. The suggestion is that on 12-8-87 except himself, others attended to duty at 8.00 A.M. at 7.30 A.M. three cartmen were present when the delinquent has asserted that 3 cartmen were present who saw attending him at 7.30 A.M., he could have produced them either before Y. Nagabhushanam or Krishnaiah Camp Incharge the next superior officer to clarify about the misunderstanding but he failed to do so. Similar suggestion was given to Jayaram Reddy that he has enmity towards him (delinquent). So he supported Nagabhushanam in the case. There must be some reason for a person to have enmity and he must explain the previous stand under which enmity exists so as to give false evidence against him. There is no infirmity in the findings of the Enquiry for arriving at the conclusions that he is satisfied with the evidence of Y. Nagabhushanam and Jayaram Reddy which clearly establishes the charge against the delinquent. As per standing order 16.5 in case the employees indulge in drunkenness fighting riotous or disorderly or indecent behaviour, amounts to misconduct. The evidence as spoken to by two witnesses would show that the delinquent has indulged in indecent behaviour and manhandled Y. Nagabhushanam, Acting Rigman for not booking his muster. Hence the findings of the enquiry officer that the charge is held proved is valid.

13 The next charge alleged against N. Krishna is that he left his duty on 11-8-87 at about 1.30 A.M. without taking permission. So it amounts to wilful subordination and indiscipline as laid down under Standing Order Nos. 16(1), 16(18) and 16(7). To prove this charge again three witnesses were examined by the Enquiry Officer which is as under: Sri Y. Nagabhushanam, Acting Rigman stated that on 11-8-87 while he was on first shift and incharge of the Drill, N. Krishna, Boring Mazdoor was on duty in his first shift which started at 7.30 A.M. and closes at 3.30 P.M. At about 1.15 P.M. one Rigman and one Boring Mazdoor namely Rampassi and Shri Anthony respectively belonging to the second shift came at Drill Site and seeking their arrival N. Krishna (Delinquent) started washing hands and wore his dress and to whom he questioned where he was going and he replied that since second shift workmen have come he was going away. He informed that the Drill work is in progress, so he cannot go and even then without hearing him, N. Krishna left for duty at 1.30 A.M. informing him to book his muster upto 1.30 P.M.

14. The second witness Mr. B. Jayaram Reddy, General Mazdoor stated that on 11-8-87 at about 1.30 P.M. while first shift work was going on, Rampassi, Rigman and Anthony Boring Mazdoor of second shift crew came to the Drill Site and seeing them N. Krishna left the work place saying that the second shift workmen have arrived for the work. Though Nagabhushanam asked him to wait, N. Krishna did not wait.

15. The third witness J. V. S. Shankar Mohan, Sr. POA stated that the delinquent was issued with charge sheet No. CG/P/136/1440 dated 1-9-87 under Company's Standing Orders and he was charged for committing habitual indiscipline. He was charge-sheeted vide Proceedings No. CG/D/136/371 dated 6-3-87 under Company's Standing Order 16(2) for committing fraud and dishonesty towards company's business. He further stated that the delinquent was suspended for 10 days from 13-6-87 to 22-6-87 vide letter No. CG/D/136/964 dated 11-6-87.

16. As against the above evidence, the delinquent N. Krishna gave his statement stating that on 11-8-87 he attended his shift duty though his wife was not well. While he was on duty his brother came to Camp Office and told that his wife's health condition was serious. As his wife was serious, he wanted to go home early and at about 1.30 P.M. he requested Nagabhushanam to permit him to leave the workspot, for which Nagabhushanam asked him to go after drill rods are recovered from boring holes which takes about 15 minutes. N. Krishna told Nagabhushanam that even the 2nd shift workmen came and if he wants he can book his muster as 1.30 P.M. and he left the work place. He denied

the suggestion given to him that he did not inform Nagabhushanam about his wife's sickness.

17. Basing on the above evidence, the Enquiry Officer gave his finding. The Enquiry Officer found the delinquent not guilty of the second charge of habitual indiscipline falling under Standing Order 16(7). As regards the first charge of second charge sheet of leaving work without permission amounting to disobedience, the Enquiry Officer has accepted the evidence of two witnesses coupled with admission of delinquent. As the delinquent had left the work place at 1.30 P.M. without taking permission of the superior, he found him guilty of the charge falling under Standing Order 16(18).

18. The delinquent also admits that he left the work place at 1.30 P.M. but say that he informed Y. Nagabhushanam to book his muster upto 1.30 P.M. If there is emergency, any workman can take either permission or leave the work by properly convincing his superiors. If the immediate superior has not obliged him he could have approached next superior officer and informed him of the urgency to leave work place. Any prudent person would act in that way but one cannot act in a negligent manner and leave the workspot. The delinquent could have given a permission letter before he left the workspot in case there was emergency to leave the place so as to attend to his wife's illness but he did not do so. May be that his wife was ill on that day and on receiving the information about the serious condition he left the work but as an employee he should act as per the procedure and rules which he failed to do. Therefore the findings arrived at by the Enquiry Officer cannot be found to be incorrect.

19. For the aforesaid discussion, the findings and conclusions arrived at by the Enquiry Officer with regard to charges relating to two separate incidents of 11-8-1987 and 12-8-1987 are held to be correct, and there are no good reasons to interfere with it.

20 POINT NO. 2:—The delinquent was removal from service since the charges levelled against him have been proved. Earlier this Tribunal in its Award dt. 17-7-1993 has set aside the impugned order of removal from service and ordered reinstatement with backwages. Aggrieved by the award passed by this Tribunal, the respondent filed a Writ 1956/93 questioning the award passed and while allowing Writ Petition, the Hon'ble High Court has directed this Tribunal to consider whether the conclusions and findings are correct and also about the penalty of the dismissal imposed on the workman and whether it is proportionate to the gravity of the charges alleged and found proved. The learned counsel for the petitioner has relied upon two decisions namely AIR 1984 SC Page 914—Ved Prakash Gupta vs. M/s. Delton Cable India (P) Ltd.,

Industrial Disputes Act (14 of 1947) Sch. II Items 3, 6—Dismissal of employee on charge of abuse of some worker and officer of management by him—held, unjustified, particularly in absence of any previous adverse remarks against him.

AIR 1982 SC page 1552—Rama Kant Misra vs. State of U.P. and others,

Industrial Disputes Act (1947) S. 11-A—Constitution of India, Article 136—Jurisdiction under Section 11-A—Exercise of, by Labour Court—Appeal under Article 136—Supreme Court can examine correctness of exercise—Dismissal of employee for use of indecent language disclosing threatening posture, upheld—Award is liable to be set aside.

21. In respect of the two charges, amounting to misconduct, which were held proved, the management has imposed punishment by ordering his dismissal from service and it is to be considered whether the punishment of dismissal is justified or not. The first count of misconduct is that on 11-8-87 the delinquent left the duty at 1.30 P.M. without taking permission. The plea taken by the delinquent is that since he received information that his wife is serious, he sought for permission and left the duty informing to record his duty upto 1.30 P.M. In the facts and circumstances of the case there is a reasonable cause on the part of the delinquent in leaving the duty. It is natural that one would be in a state of worry and anxiety when he receives information about

the serious condition of his wife. Thereby for this trivial charge imposing of extreme punishment is unwarranted. The other charge is that he used vulgar language and manhandled the incharge Rigman for not marking his muster though he attended duty in time. No doubt, when the misconduct is proved against the delinquent he is to be imposed with the punishment but the extreme penalty of dismissal from service would ruin his entire career and future. It is not at all the case of the management that there is a loss of confidence and continuing him in future service would be a problem in the administration. There will be several factors for an employee to revolt against his co-worker which depends upon several factors such as lack of co-ordination, provocation and ill-treatment. In this case the delinquent could not establish his defence, so he was found guilty of the charge levelled against him. Basing on the evidence, the Enquiry Officer found him guilty and even when the evidence is re-appraised there was no possibility to give benefit of doubt to the delinquent. By the time of passing of extreme penalty of dismissal from service the workman had already put in a good length of service of 12 years in the company. The act or omission on account of the personal bickerings or differences between the Rigman and the delinquent has nothing to do with harmonial relations of the workers or with the industrial peace. If the conduct of the worker is beyond control it would result in industrial disharmony or disturb the peace, then only the extreme penalty of dismissal is to be ordered.

22. Either the Industrial Tribunal or Labour Court while considering Section 11-A of the I.D. Act it was inherent powers to consider whether or not the punishment is proportionate to the gravity of the charges. The Apex Court in the Judgement cited supra has taken the view that awarding extreme punishment of dismissal for a flimsy charge of abusing of some workers or officers of the Management by the delinquent at the work place would amount to victimisation and unfair labour practice. The facts of this case are identical to the facts of the case referred to above. The alleged vulgar language used by the delinquent that he manhandled may be on account of some emotion and provocation. Some times on account of some emotional outburst a person loses his balance and use abusive language which may be due to lack of culture but unintentional, as such imposing the extreme punishment to an extent of dismissal is unwarranted. The proper punishment that would be imposed for such a misconduct is to withhold two increments in future which is sufficient to meet the ends of justice. The workman has already been reinstated into service by virtue of the Award passed on 17-7-1993.

23. In the result an award is passed setting aside the impugned dismissal order of removal dt. 22-2-1989 covered by Ex. M15 by ordering reinstatement into service and since he was already been reinstated into service, there is no necessity to give any further direction. As regards the claim for backwages, the same is denied on the principle of 'no work no pay'.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal on this the 24th day of October, 2000.

SYED ABDULLAH, Industrial Tribunal-I  
APPENDIX OF EVIDENCE

#### BEFORE REMAND :

Witness Examined for Petitioner:                      Witness Examined for Respondent :

WW1 : N. Krishna                      MW1 : Y. Venkateswarlu

Documents marked for the Petitioner :

NIL

Documents marked for the Respondent :

Ex. M1 : Xerox copy of the notice dt. 10-10-87 issued by the management to N. Krishna informing him to attend the enquiry on 17-10-87.

- Ex. M2 : Xerox copy of the General authorisation dt. 22-7-87 issued by the Chief Personnel Officer to Y. Venkateswarlu P.O.
- Ex. M3 : Copy of the show cause notice dt. 17/22-8-87 to N. Krishna.
- Ex. M4 : Copy of the explanation dt. 29-8-87 submitted by N. Krishna.
- Ex. M5 : Complaint dt. 12-8-87 given by Y. Nagabhushnam against N. Krishna.
- Ex. M6 : Enquiry Proceedings dt. 17/22-8-87.
- Ex. M7 : Enquiry Report dt. 4-1-1988.
- Ex. M8 : Copy of the notice dt. 10-10-87 to N. Krishna with regard to enquiries conducted by the Enquiry Officer on 17-10-87.
- Ex. M9 : Copy of the notice dt. 23-10-87 to N. Krishna with regard to enquiries conducted on 29-10-87.
- Ex. M10 : Copy of the show cause notice dt. 1-9-87 issued to N. Krishna.
- Ex. M11 : Copy of the explanation dt. 19-9-87 submitted by N. Krishna
- Ex. M12 : Copy of the complaint dt. 12-8-87 given by Y. Nagabhushanam.
- Ex. M13 : Enquiry Proceedings dt. 29-10-87.
- Ex. M14 : Enquiry Report dt. 4-1-1988.
- Ex. M15 : Copy of the dismissal order dt. 22-2-1989 issued to N. Krishna.

AFTER REMAND :

NIL

नई दिल्ली, 18 दिसम्बर, 2000

का. आ. 20.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबन्धतंत्र के संबंध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2000 को प्राप्त हुआ था।

[सं. एल-22012/512/99-सी-II]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 18th December, 2000

S.O. 20.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 18-12-2000.

[No. L-22012/512/99-C-II]  
N. P. KESHVAN, Desk Officer.

**ANNEXURE**  
**BEFORE THE CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL-CUM-LABOUR**  
**COURT, CHENNAI**

Wednesday, the 29th November, 2000

**PRESENT :**

K. Karthikeyan, Presiding Officer,

Industrial Dispute No. 29/2000

(In the matter of the dispute for adjudication under Section 10(1) (d) Sub-section 2(A) of the Industrial Disputes Act, 1947 between the Workman and the Management of Food Corporation of India, Chennai).

**BETWEEN**

The General Secretary,  
 Madras Port and Dock Workers  
 Congress,  
 Chennai.

Claimant/I Party

**AND**

Sr. Regional Manager,  
 Food Corporation of India,  
 Regional Office,  
 Chennai.

Management/II Party

**APPEARANCE :**

For the Claimant.—S/Shri R. Arumugam and  
 N. Krishna Kumar, Advocates.

For the Management.—Shri M. Imthias, Advocate

**REFERENCE :**

Order No. L-22012/512/99/IR(CM-II) dated 6-7-2000, Government of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 9-11-2000, upon perusing the reference, Claim Statement, Counter Statement and other material papers on record, documentary evidence only let in on either side and upon hearing the arguments of Shri R. Arumugam, Counsel for the Claimant and Shri M. Imthias, Counsel for the Management and this dispute having stood over till this date for consideration, this Tribunal passed the following :—

**AWARD**

The reference by Central Government in the exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) in respect of the dispute between S/Shri J. Gajendran and K. Bhaskaran, Workmen and Sr. Regional Manager, Food Corporation of India, Chennai, Management mentioned as schedule appended to the order of reference.

The schedule reads as follows :

“Whether the action of the Management of Food Corporation of India, Chennai in terminating the services of the workmen S/Shri J. Gajendran, Token No. 2326 and

K. Bhaskaran, Token No. 2447 is justified? If not, to what relief the workmen are entitled?”

On receipt of this reference, this Industrial Dispute has been taken on file of this Tribunal, on 27-7-2000, as Industrial Dispute No. 29/2000. On receipt of notice from this Tribunal, both the parties appeared with their respective counsel and filed their respective Claim Statement and Counter Statement.

1. The averments in the Claim Statement of the Claimant/I Party are briefly as follows :—

The First Party Claimant, Madras Port and Dock Workers Congress, represented by the General Secretary (hereinafter mentioned as the “Petitioner”) states that the Petitioner is a Regd. Trade Union under the provision of Trade Union Act, 1926. The majority of the workers, working in the Food Corporation of India, are members in the Petitioner Union. The workers, J. Gajendran and K. Bhaskaran are members in the Petitioner Union and hence the Petitioner is espousing the cause of said workers. Shri J. Gajendran was employed in Food Corporation of India, Chennai and has put in 20 years of continuous service. His services are throughout unblemished. Shri J. Gajendran, suddenly suffered Hepatitis from 20-3-1998 and took treatment in Stanley Government Hospital. He obtained the medical certificate from the Doctor, who had treated him and produced the same to the Management on 16-11-98. In spite of treatment, he was not cured fully. His relatives advised him to take country medicine, so that it would be cured and he was taken to his native place for treatment in the last week of November, 1998. He was slowly cured on taking country medicine. As soon as, he was fully cured in the first week of December, 1998, he reported for duty, but he was informed by the Management that he was terminated from service by the order dated 2-12-1998. The Petitioner further informed FCI Management that he had already produced the Medical Certificate and since he was left for his native place, for further treatment, he could not send any further communication. The Second Party Management had informed him that they cannot do anything, since the order of termination has already been issued. The Worker, Bhaskaran was employed with Food Corporation of India, Chennai, had put in 15 years of continuous, unblemished service. In August, 1995, the Worker, Bhaskaran developed mental depression, due to family problems and he was forced to be inside the house because of his mental illness. So, he could not communicate the management, about his absence. His relatives, who took him to Stanley Government Hospital for treatment, being illiterates, did not inform the Management, about his mental illness. After he was fully cured from his mental illness, he obtained a Medical Certificate and send it to the Management in October, 1998. Without considering his request favourably, the Management by an order dated 17-11-1997 removed him from service, with retrospective effect from 6-8-1995. Then, the Petitioner Union raised Industrial Dispute for both the Workers. The orders of punishment of dismissal from service imposed by the Management on these two Workers are illegal. No chargesheet was issued, no explanation was called for, no show-cause

notice was issued, no enquiry was conducted and the Management did not give any opportunity to the Workers to explain their position. The provisions of Section-25(F) of Industrial Disputes Act, which is a mandatory one, has not been followed. Hence, the order of termination, issued by the Management is illegal. Further, the said order of termination is illegal since it is issued in retrospective effect. One Worker viz. V. Munusamy, T. No. 2132 was allowed to join duty in June, 1999, though he was absent for more than 123 days from February, 1999. Hence, the action of the Management, is purely a discrimination shown to these Workers. Their long years of service are not considered. Due to sudden termination, these two Workers and their family came to the streets and are starving. The punishment of dismissal, against these two Workers are extreme and disproportionate to the alleged charge of long absence. Since they were under treatment, they could not attend work and for that they should not be sent on permanently. Under such circumstances, this Hon'ble Tribunal may be pleased to pass an award holding that the non-employment of the Workers, J. Gajendran and K. Bhaskaran is not justified and direct the Management to reinstate them, with continuity of service and with backwages along with other attendant benefits.

2. The averments in the Counter Statement filed by the Second Party Management are briefly as follows:

The Second Party Management, (hereinafter mentioned as "Respondent") states that Shri J. Gajendran, Token No. 2326 and Shri K. Bhaskaran, Token No. 2447, were employed in Food Corporation of India as "Handling Mazdoors" w.e.f. 9-9-1978 and 9-1-1984 respectively. The Workmen, Gajendran was absented for duty for 242 days from 20-3-98 to 16-11-98, without prior intimation to the office of the Respondent. A Memo dt. 15-11-98, seeking explanation for unauthorised absence was sent to his residence address, but, it was returned unserved. Subsequently, the said Worker, Gajendran sent a reply and since it was not convincing, he was terminated from service w.e.f. 20-3-98, after conducting an enquiry. The Workman, Shri K. Bhaskaran, without any intimation to the office, was absented for duty from 6-8-95. Hence the Respondent had terminated his service w.e.f. 6-8-95, as per Standing Orders, by an order dt. 17-11-97. Both the workers were terminated from service as per the Rule 19(4) of the Standing Orders, which was certified by the Regional Labour Commissioner on 4-12-69. The Respondent had followed the Rule 19(4) of the Standing Order in force, for terminating the two Workmen from service, since they were absented themselves from duty for a long period, without any prior intimation to the Respondent. The Respondent has not shown any discrimination against the said Workmen. The Food Corporation has not reinstated any Worker, who had absented for more than 200 days. The action taken by the Management, against the said two Workers, Shri J. Gajendran and Shri K. Bhaskaran were in accordance with law and procedure. There is no merit in the Claim Statement and has to be dismissed, with exemplary cost.

3. The Point for my consideration is :

"Whether the action of the management of Food Corporation of India, Chennai in terminating

the services of the Workmen S/Shri J. Gajendran, Token No. 2326 and K. Bhaskaran, Token No. 2447 is justified? If not, to what relief the workmen are entitled?"

Point : When the matter was taken up for enquiry, 13 documents of the Respondent Management were marked by consent as Ex. M1 to M13. Three documents on the side of the Petitioner, were produced as their documentary evidence. Out of which, xerox copy of an undated letter with a xerox copy of Medical Certificate dt. 16-10-98, sent by the Workman, Shri K. Bhaskaran to the Management and a xerox copy of a Medical Certificate dt. 16-11-98, issued by one Dr. M. S. Chelladurai were marked as Exhibits W1 and W2 respectively, subject to the objection of the Respondent Council. The 3rd document is the xerox copy of a letter sent by the General Secretary of the Petitioner Union to the Jt. Manager (Operations), FCI, Chennai dt. 23-12-98, has been marked by consent as Ex. W3. Exhibits W1 and W2 were marked as documents for the Petitioner, subject to proof and relevancy. The learned counsel for the management has informed the Court that the Management has no oral evidence to let in. Though the learned counsel for the Petitioner took time to examine the Doctor, who has issued the Medical Certificates for the Workmen, J. Gajendran and K. Bhaskaran, has not examined that Doctor, but informed the Court, on the subsequent hearing that, he is not examining the Doctor. No other witness also has been chosen to be examined as witness for the Petitioner. On completion of the evidence on either side, the learned counsel on either side had advanced their arguments.

4. It is admitted that both the Workmen, S/Shri J. Gajendran, Token No. 2326 and K. Bhaskaran, Token No. 2447, were working in Food Corporation of India, Respondent herein, as Handling Mazdoor w.e.f. 9-9-78 and 9-1-84, respectively. It is also admitted that the Workman, Shri J. Gajendran was absented from duty from 20-3-98 to 16-11-98 for 240 days, without prior intimation to the office of the Respondent and the Workman Shri K. Bhaskaran was absented from duty from 6-8-95 onwards, without any intimation to the Office of the Respondent. Ex. M1 is the returned Regd. cover. Ex. M2 is the office copy of the Memo dt. 15-9-98 sent to the Workman, J. Gajendran under Regd. post through Ex. M1 to his residential address No. 16, K.P. Koil Street, Royapuram, Chennai-13. Ex. M3 is an office copy of the Memo dt. 24-11-98, given by the Deputy Manager of FCI to the Workman, J. Gajendran, Token No. 2326. It bears an endorsement dt. 26-11-98, by the Workman, J. Gajendran that he received that Memo. Ex. M4 is the reply given by the Workman, Gajendran by his own hand. In that Ex. M4 he has stated that he could not come for duty as his health was very bad, due to illness and he could not intimate that fact immediately. He has also admitted in that letter, that the letter sent by the Management to his residential address, for his continuous absence for duty, was not received by him since he has changed his residence. Ex. M5 is the returned Regd. letter with postal acknowledgement, sent by the Respondent to the Workman J. Gajendran to his changed residential address. Ex. M6 is the copy of the termination order dt. 2-12-98 issued to the Workman, Gajendran under Regd. post in Ex. M5. Ex. M6 is the office copy of the memo dt. 23-8-97 issued by the

Respondent, to the Workman, K. Bhaskaran, Token No. 2447. In that memo, the said Workman, Bhaskaran was directed to report for duty immediately, informing him that in the event of failure to report for duty, action will be taken as per rules of the Standing Orders, which may entail in removal/termination of service with effect from the last date of attendance. The postal acknowledgement for the Memo dt. 23-8-97, sent to the Workman, Bhaskaran is Ex. M8. Ex. M9 is the office copy of the termination order dt. 17-11-97, issued by the Respondent to the Workman, Shri K. Bhaskaran, Token No. 2447. Ex. M10 is the postal acknowledgement for the receipt of the original of Ex. M9, the termination order issued to Workman, Shri K. Bhaskaran. All these documents have been admitted by the Petitioner. As contended by the Respondent, the Workman, Gajendran remained absent from duty from 20-3-98 to 16-11-98 and the Workman, Bhaskaran remained absent from duty from 6-8-95 onwards. It is the specific contention of the Respondent that the said absence of these Workmen from duty are unauthorised absence. The Ex. W1 is an undated letters xerox copy, with an enclosure, a xerox copy of the Medical Certificate dt. 16-10-98 said to have been issued by one Dr. M. S. Chelladurai. In Ex. M1 letter, the Workman, K. Bhaskaran has admitted that he has not turned up for duty from 5-8-95. It is not the case of the Petitioner that prior to the reply under Ex. M1, the Workman, Shri K. Bhaskaran has sent any reply for the memo dt. 23-8-97 issued to him under Regd. post as the original of Ex. M7 under Ex. M8. In Ex. M7 itself, the Workman, K. Bhaskaran has been directed to report for duty immediately. It is not the case of the Petitioner that the said Workman, Bhaskaran, who has put his signature in Ex. M8 postal acknowledgement has not received the original of the memo under Ex. M7. It is seen from Ex. M8 that the postal cover, accompanying that postal acknowledgement, Ex. M8 was delivered to the Workman, K. Bhaskaran on 1-9-97 itself. The order of termination from service against the Workman, Shri K. Bhaskaran, Token No. 2447 was issued under the original of Ex. M9 on 17-11-97 itself. So, this Ex. W1 letter, accompanying with the Medical Certificate dt. 16-10-98, could not have been sent by the Workman, Shri K. Bhaskaran to the Management prior to 16-10-98. The Workman K. Bhaskaran has not been examined as a witness on the side of the Petitioner to speak about the date on which he sent the original of Ex. W1 to the Management. Though, it is stated in that reply by the said Workman, that he was taking treatment in the Hospital for his mental illness and very bad status of health, and has chosen to enclose a Medical Certificate to that reply, as one given by the Doctor who treated him for his illness, has not chosen to examine himself as a witness in this case, to prove these two documents. The Doctor who said to have issued the Medical Certificate dt. 16-10-98 in favour of Workman K. Bhaskaran and another Medical Certificate dt. 16-12-98, the original of Ex. W2 in favour of the Workman J. Gajendran, has not chosen to come and given evidence in support of those two documents. Thus, Ex. W1 and W2 remained as unproved documents. So, no reliance can be made on both Ex. W1 and W2. Further, nearly one year after only the termination order, (under the original of Ex. M9) was issued, by the Management, the original of Ex. W1 reply and the original of the

Medical Certificate dt. 16-10-98, as an enclosure to the reply, have been sent by the Workman K. Bhaskaran. From this, it is seen that only to come out of the situation, the Workman, K. Bhaskaran had made a belated attempt by sending the original of Ex. M1, enclosed with the Medical Certificate, as an after thought.

5. It is the contention of the Petitioner that as per the procedure, enough opportunity to be given to the Workmen to realise the consequences of their absence from duty and make them to report for duty and that the said procedure, has not been followed by the Management before ever order for removal from service were passed. The documents filed on the side of the Management clearly shows that the said contention of the Petitioner is incorrect. In Ex. M2 memo, issued to the Workman, J. Gajendran, it is clearly stated that he is absent without any intimation from 19-3-98 to the date of the issue of that memo, i.e. 15-9-98 and he is liable for termination from the service as per the Standing Orders and therefore, he is directed to report for duty immediately, failing which he will be terminated w.e.f. 19-3-98 onwards, without any further notice. Under Ex. M3 memo, the Workman, Gajendran was directed to explain for his absence without intimation from 20-3-98 till that date of memo dt. 24-11-98 informing him that he is liable for termination from service as per Standing Orders. Like that under the original of Ex. M7 memo, the Workman K. Bhaskaran was directed to report for duty immediately and further he was informed that in the event of his non-report for duty, action will be taken against him as per the rules of the Standing Orders, which may entail in removal from service. These things clearly show that the Respondent Management, before passing the orders of termination of service against these two workmen under the original of Exhibits of M6, M9, cautioned those Workmen, to report to duty immediately failing which they may be removed from service. In such a way, both the Workmen were given sufficient opportunity to mend their attitude of absenting themselves from duty, without any prior intimation. Hence the contention of the Petitioner, on this aspect, cannot be considered as correct.

6. The learned counsel for the Respondent Management would further contend that the orders of termination of service, under the original of exhibits M6 and M9 were issued, following the provision under Rule 19, Sub-clause 4 of the Certified Standing Orders for the Management. The copy of the Certified Standing Order has been marked as Ex. M11. The order passed by the Regional Labour Commissioner and Certifying Officer dt. 4-12-69 and the letter of the same Officer dt. 4-12-69 to the Respondent Management have been marked as M12 and M13. Under the Certified Standing Order, Rule 19, Sub-clause 4, it is stated as follows :

"Any Workman who absents himself for more than 15 consecutive days, without leave or who remains absent for 15 consecutive days beyond the period of leave originally granted or subsequently extended shall be deemed to have left the service without notice and his name will be removed from the list without further notice to him".



From the records and the materials available in this case, it is seen that the Management, the Respondent herein, have taken action, against these two Workmen for their unauthorised long absence, without prior intimation to the Management, first by issuing memo by way of giving them opportunity and having found that the said Workmen have not responded for their memo, issued orders for termination of service, following the provision under the Certified Standing Order. From the particulars in the Certified Standing Order, it is seen that for actions to be taken by the Management, for such cases of unauthorised absence for duty continuously, beyond the period of 15 days by the Workmen, no chargesheet need to be issued, no show-cause notice need to be issued and no enquiry to be conducted, offering and opportunity to face a charge on this regard by the Workmen. Hence, the argument advanced by the learned counsel for the Respondent Management that the Management has not acted vindictively or in a perverted manner for passing the orders of termination against these two Workmen, can be accepted as correct and acceptable. In view of these materials available in this case, all the judgements referred to by the learned counsel for the Petitioner as supporting decisions by the Courts, to show that the action of the Management, against the Workmen are improper and incorrect, is not acceptable since those cited judgements, are not applicable to the facts and circumstances of this case.

7. In view of my findings above, I come to the conclusion that the action of the Management, taken against the Workmen concerned is justified and the Workmen concerned are not entitled to any relief. Thus, I answer the point accordingly.

8. In the result, an award is passed holding that the action of the Management of Food Corporation of India, Chennai in terminating the services of the Workmen, S/Shri J. Gajendran, Token No. 2326 and K. Bhaskaran, Token No. 2447 is justified, and, hence the Workmen concerned are not entitled to any relief, whatsoever.

No cost.

Dictated to the Stenographer and typed by him direct and corrected and pronounced by me in the open court on this day, the 29th November, 2000.

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

For the Claimant/I Party : None.

For the Management/II Party : None.

Documents Marked :

For the Claimant/I Party :

Ex. W1—Letter from Sri K. Bhaskaran to FCI, enclosing a Medical Certificate dated 16-10-98 (xerox copies).

Ex. W2 16-11-98—Medical Certificate.

Ex. W3 23-12-98—Union letter to FCI.

For the Management/II Party :

Ex. M1—Returned registered cover.

Ex. M2 15-9-98—Memo issued to worker Shri Gajendran, Token No. 2326.

Ex. M3 24-11-98—Memo issued to worker Shri Gajendran.

Ex. M4 26-11-98—Reply given by Shri J. Gajendran.

Ex. M5 — —Returned cover.

Ex. M6 2-12-98—Termination order issued by the Respondent to the worker (office copy).

Ex. M7 23-8-97—Memo issued to Shri Bhaskaran, Token No. 2447 (xerox copy of the office copy).

Ex. M8 1-9-97—Acknowledgement card.

Ex. M9 17-11-97—Termination order issued by the Respondent to the worker (office copy).

Ex. M10 1-12-97—Acknowledgement.

Ex. M11 — Standing order (xerox copy)

Ex. M12 4-12-69—Order of the Regional Labour Commissioner (C) (xerox copy).

Ex. M13 4-12-69—Communication from the Regional Labour Commissioner (C) (xerox copy).

नई दिल्ली, 18 दिसम्बर, 2000

का. आ. 21.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. एन. के प्रवक्ता के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण श्रम न्यायालय, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18 दिसम्बर, 2000 को प्राप्त हुआ था।

[सं. एल-22012/550/99-सी-II]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 18th December, 2000

S.O. 21.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 18-12-2000.

[No. L-22012/550/99-C-II]

N. P. KESHVAN, Desk Officer



## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT  
HYDERABAD

## PRESENT :

Sri Syed Abdullah, B.Sc., B.L., Industrial Tribunal-I.

Dated : 6th Day of November, 2000

Industrial Dispute No. 98 of 2000

## BETWEEN

General Secretary,  
The S. C. Company Limited,  
Employees Council,  
B.C.H. 30, Vittal Nagar,  
Godavari Khani.

Petitioner.

## AND

The General Manager,  
M/s. S.C. Co. Ltd., Ramagundam-I,  
Godavarikhani.

Respondent.

## APPEARANCES :

None—for the petitioner.

S/Shri J. Pardha Sarathy V. Hari Haran &  
S. Chandra Sekhar, Advocates—for the  
respondent.

## AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by order No. L-22012/550/99/IR(CM-II), dated 28-7-2000 referred the following dispute under Section 10(1)(d) of the Industrial Dispute Act, 1947, for adjudication with schedule as follows :

"Whether the action of the General Manager M/s. Singareni Collieries Co. Ltd., Ramagundam-I/Godavari Khani in transferring Sh. Kummari Odelu, General Mazdoor CSP-RG-I (Surface) to GDK-3 Incline (underground) w.e.f. 18-11-98 is justified? If not, to what relief the workman is entitled?"

2. After receipt of the said reference this Tribunal issued notice to both the parties. The respondent put up his appearance through his advocate on 9-10-2000. Vakalat filed for respondent. Neither the petitioner nor his representative present. Awaiting return of the notice of the petitioner the matter was posted to 20-10-2000. Again on 20-10-2000 the petitioner called absent, though notice was served. To give one more chance to appear and present it was posted to

6-11-2000 and even on that date the petitioner called absent. Sufficient opportunity was given to the petitioner from 9-10-2000 to 6-11-2000 to file the claim statement. On 6-11-2000 no representation was made to the petitioner much less any claim statement was filed.

3. Sri Pardha Saradhi filed Vakalat for respondent. As the petitioner called absent in the call work on 6-11-2000 it was kept aside upto 2.00 P.M. No representation was made for the petitioner even at 3.15 P.M. In view of the continuous non-representation, it is evident that the petitioner has no interest to prosecute the case. Hence reference is dismissed by passing 'NIL' Award.

Given under my hand and the seal of this Tribunal on this the 16th day of November, 2000.

SYED ABDULLAH, Industrial Tribunal-I

नई दिल्ली, 26 दिसम्बर, 2000

का. आ. 22.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि सीमेंट उद्योग में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रवृष्टि 3 के अन्तर्गत निर्विष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छ. मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/12/97-ओ. सं. (जी.वि.)]

एच. सी. गुप्ता, अवर सचिव

New Delhi, the 26th December, 2000

S.O. 22.—Whereas the Central Government is satisfied that the public interest requires that the services in the Cement Industry which is covered by item 30 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act ;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/12/97-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 29 दिसम्बर, 2000

का.आ. 23.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि भारतीय रिजर्व बैंक नोट मुद्रण लि. मैसूर (कर्नाटक) एवं सलाबोनी (पं. बंगाल) में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 11 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिये।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/2/97-औ. सं. (नी.वि.)]

एच.सी. गुप्ता, अवर सचिव

New Delhi, the 29th December, 2000

S.O. 23.—Whereas the Central Government is satisfied that the public interest requires that the services in the Bhartiya Reserve Bank Note Mudran Limited at Mysore and Salboni, which is covered by item 11 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/2/97-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 29 दिसम्बर, 2000

का.आ. 24.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (VI) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिभूचना संख्या कां०आ० 1671 दिनांक 10-7-2000 द्वारा लौह अयस्क खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 10-7-2000 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 10-1-2000 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/13/97-आई.आर. (पी.एल.)]

एच.सी. गुप्ता, अवर सचिव

New Delhi, the 29th December, 2000

S.O. 24.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of

the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1671 dated 10-7-2000 the services in Iron Mining Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 10-7-2000.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 10-1-2001.

[No. S-11017/13/97-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2000

का.आ. 25—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 की उप-धारा (1) तथा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार उक्त अधिनियम की दूसरी अनुसूची में विनिर्दिष्ट किसी मामले से संबंधित औद्योगिक विवादों के न्यायनिर्णयन के लिए तथा उक्त अधिनियम के तहत सौंपे गए ऐसे अन्य कार्यों के निष्पादन हेतु, एतद्वारा श्री एस एन सौदकर को 01-12-2000 से मुम्बई स्थित केन्द्रीय सरकार औद्योगिक न्यायाधिकरण सह-श्रम न्यायालय सं 2 का पीठासीन अधिकारी नियुक्त करती है।

[सं. जेड-13011/1/97-सी एल.एस-II]

श्रीमती कृष्णा शर्मा, अवर सचिव

New Delhi, the 26th December, 2000

S.O. 25.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri S. N. Saundankar as Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court No. 2 at Mumbai w.e.f. 01-12-2000, for the adjudication of industrial disputes relating to any matter specified in the second Schedule to the said Act and for performing such other functions as may be assigned to it under the said Act.

[No. Z-13011/1/97-CLS-II]

MRS. KRISHNA SHARMA, Under Secy.

नई दिल्ली, 27 दिसम्बर, 2000

का.आ. 26—कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री राम मोहन बिद्वान्का को केन्द्रीय न्यासी बोर्ड का सदस्य नियुक्त करती है और दिनांक 10 अप्रैल, 1997 को भारत के राजपत्र, असाधारण, भाग-II, खण्ड 3, उपखंड (ii) में प्रकाशित श्रम मंत्रालय के का.आ. 321 (अ) विनांक 9 अप्रैल, 1997 में भारत सरकार की अधिसूचना में निम्नलिखित संशोधन करती है :—

2. उक्त अधिसूचना में क्रमांक 32 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात्—

“श्री राम मोहन बिद्वान्का,

उपाध्यक्ष, ए.आई.एम. ओ.

21, जयहिन्द बिल्डिंग नम्बर -1

भुलेश्वर, मुम्बई-400002

[सं. वी-20012/1/97-एस. एस.-II]

जे. पी. गुक्ला, उप सचिव

New Delhi, the 27th December, 2000

S.O. 26.—In exercise of the powers conferred by sub-section (1) of section 5A, of the Employees Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952), the

Central Government hereby appoints Shri Ram Mohan Bidawatka as a member of the Central Board of Trustees and makes the following amendment in the Notification of the Government of India in the Ministry of Labour S.O. 321(E) dated the 9th April, 1997 published in Part II Section 3 Sub-section (ii) of the Gazette of India Extraordinary dated 10th April, 1997.

In the said notification for entries against Sl. No. 32 the following entries shall be substituted namely :

Sh. Ram Mohan Bidawatka,  
Vice-President, AIMO,  
21 Jaihind Building No. 1,  
Bhuleshwar, Mumbai-400002.

[F. No. V-20012/1/97-SS.II]

J. P. SHUKLA, Dy. Secy.